

**FL&B**

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October 14, 2025

**VIA ELECTRONIC FILING**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor North  
Harrisburg, PA 17105-3265

**RE: Kelly Hannan Chuba v. PPL Electric Utility Corporation  
File No. C-2025-3057804**

Dear Secretary Homsher:

Enclosed for filing is PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Kelly Hannan Chuba.

Copies of the aforesaid Preliminary Objections are being provided as indicated on the Certificate of Service.

Respectfully submitted,



GRAIG M. SCHULTZ

Enclosure

cc: Certificate of Service

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KELLY HANNAN CHUBA,

Complainant,

v.

PPL ELECTRIC UTILITIES  
CORPORATION,

Respondent.

Docket No. C-2025-3057804

**NOTICE TO PLEAD**

To: Kelly Hannan Chuba  
275 Texaco Road  
Mechanicsburg, PA 17050

Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that an answer to Respondent PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Kelly Hannan Chuba must be filed within 10 days of the date of service of Respondent's Preliminary Objections.

Dated: October 14, 2025

By: 

Graig M. Schultz (I.D. No. 207123)  
FITZPATRICK LENTZ & BUBBA, P.C.  
645 West Hamilton Street, Suite 800  
Allentown, PA 18101  
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*Attorneys for Respondent:  
PPL Electric Utilities Corporation*

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Docket No. C-2025-3057804

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S PRELIMINARY  
OBJECTIONS TO THE COMPLAINT OF KELLY HANNAN CHUBA**

Respondent PPL Electric Utilities Corporation ("PPL Electric"), by and through its counsel, Fitzpatrick Lentz & Bubba, P.C., hereby objects to the Complaint of Kelly Hannan Chuba ("Complainant") as follows:

1. PPL Electric hereby incorporates the averments set forth in its Answer to the Complaint with New Matter which has been contemporaneously filed in the above-captioned matter as if fully set forth herein.

2. On or about October 3, 2025, Complainant filed a Complaint against PPL Electric.

3. Complainant alleges that, PPL Electric has refused to trim a tree on Complainant's property. *See* Compl. at ¶ 4.

4. Complainant requests that PPL Electric reimburse her for the charges that she incurred in trimming the tree. *See id.* at ¶ 5.

5. PPL Electric denies that it had a duty to trim the tree in question, and further denies that it is responsible for reimbursing Complainant for the cost she incurred in trimming the tree. *See generally* PPL Electric's Answer to the Complaint with New Matter.

6. The Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission (the “Commission”) provide for the filing of preliminary objections. *See* 52 Pa. Code § 5.101.

7. Preliminary objections are properly filed when the Commission lacks jurisdiction over a complainant’s claims. 52 Pa. Code § 5.101(a)(1).

8. Preliminary Objections are also properly filed by a respondent when the complaint is legally insufficient. 52 Pa. Code § 5.101(a)(4).

9. The provision at 52 Pa. Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. *See Lehigh Valley Power Comm. v. Pennsylvania Pub. Util. Comm’n*, 563 A.2d 557, 564 (Pa. Cmwlth. 1989).

10. Preliminary objection practice before the Commission is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transp. Intervenor v. Equitable Gas Co.*, No. C-00935435, 1994 WL 932315, at \*1 (Pa. P.U.C. July 18, 1994) (citation omitted).

11. Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. *Interstate Traveller Servs., Inc. v. Com., Dep’t of Env’t Res.*, 406 A.2d 1020, 1022 (Pa. 1979) (citing *Baker v. Brennan*, 213 A.2d 362 (Pa. 1965)). The Commission follows this standard. *Montague v. Philadelphia Elec. Co.*, No. C-871540, 0088 WL 1534888 (Pa. P.U.C. Jan. 6, 1988).

12. Additionally, the Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602, 604 (Pa. Cmwlth. 1988).

13. Given this, the Commission must view the complaint in this case in the light most favorable to the Complainant and should dismiss the complaint only if it appears that the complainant would not be entitled to relief under any circumstances as a matter of law. *Moses v. Philadelphia Gas Works*, No. C-2017-2635927, 2018 WL 937080, at \* 2 (Pa. P.U.C. Feb. 5, 2018) (citations omitted).

14. The Commission regulations state that a person may file a formal complaint claiming a violation of a statute that the Commission has jurisdiction to Administer. *See* 52 Pa. Code § 5.21(a) (in order to be legally sufficient, a complaint must set forth “...an act done or omitted to be done by a person subject to the jurisdiction of the Commission, in violation, or claimed violation of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission...”).

15. Additionally, the Commission regulations authorize the Commission to dismiss a complaint if a hearing is not necessary and authorizes preliminary objections to be filed in response to a complaint. 52 Pa. Code § 5.21(d). *See also* 66 Pa.C.S. § 703(b) (“The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.”).

16. Importantly, the commission does not have jurisdiction to adjudicate every dispute that involves a utility. More specifically, the Commission is a creature of statute and may exercise only those powers that are expressly conferred upon it by the Legislature. *Feingold v. Bell of Pennsylvania*, 383 A.2d 791, 794 (Pa. 1978) (citations omitted).

17. In this case, Complainant alleges that she suffered monetary damages for trimming a tree on her property. The only relief requested by Complainant is reimbursement of her cost to trim her tree. However, the Commission does not have the authority to award her monetary

damages. *Heffner v. PPL Elec. Util. Co.*, No. C-2016-2547516, 2017 WL 660609, at \*4 (Pa. P.U.C. Jan. 17, 2017) (citing *Terminato v. Pa. National Insurance Co.*, 645 A.2d 1287 (Pa. 1994); *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold, supra*; *Ostrov v. I.F.T., Inc.*, 586 A.2d 409 (Pa. Super. 1991); and *Poorbaugh v. Pa. Pub. Util. Comm'n.*, 666 A.2d 744 (Pa. Cmwlth. 1995)).

18. Based upon all the foregoing reasons, the Commission cannot award the relief sought by Complainant. As such, the Complaint should be dismissed with prejudice.

**WHEREFORE**, PPL Electric Utilities Corporation respectfully requests that the Complaint of Kelly Hannan Chuba be denied and dismissed.

Dated: October 14, 2025

Respectfully submitted,

By: 

Graig M. Schultz (I.D. No. 207123)  
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*Attorneys for Respondent:  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Respondent PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Kelly Hannan Chuba 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 party.

**Via Email and First-Class Mail**

Kelly Hannan Chuba  
275 Texaco Road  
Mechanicsburg, PA 17050  
[kellychuba@yahoo.com](mailto:kellychuba@yahoo.com)

Dated: October 14, 2025

By: 

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Graig M. Schultz