

**BEFORE THE 3055013
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Edrie Fields	:	
	:	
v.	:	C-2025-3055094
	:	
Pennsylvania American Water Company	:	

INTERIM ORDER ON PRELIMINARY OBJECTIONS

PROCEDURAL BACKGROUND

On May 7, 2025, Edrie Fields (Complainant), filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania American Water Company (PAWC or Company or Respondent). In the Formal Complaint, the Complainant checked the boxes labeled “The utility is threatening to shut off my service or has already shut off my service.” and “Other.” The Complainant then typed that “Pennsylvania American Water has received but refused to acknowledge my Bills of Exchange as lawful tender of payment.” Under relief requested, she requests that PAWC recognize her right to discharge or set off public debts as provided under the Uniform Commercial Code and applicable law and statutes.

On June 2, 2025¹, the Company filed an Answer to the Formal Complaint. The Respondent also filed a Preliminary Objection to the Complaint. In the filing, the Company asserts that the Complainant failed to state a basis upon which the relief that is requested can be obtained and therefore, the Complaint is legally insufficient. Further, the Respondent contends that the Commission lacks jurisdiction to address claims under the Uniform Commercial Code.

¹ The formal complaint was served by the Secretary’s Bureau on May 12, 2025.

The Company's Preliminary Objections contained a Notice to Plead, requiring Complainant to file a response within ten days of service. On June 10, 2025, the Complainant filed a response to the Preliminary Objections.

On July 21, 2025, the Commission issued a Motion Judge Assignment Notice, assigning this proceeding to me. This matter is now ripe for determination.

LEGAL DISCUSSION

The Commission's Rules of Administrative Practice and Procedure provide for the filing of preliminary objections. Commission preliminary objection practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. *Equitable Small Transp. Intervenor v. Equitable Gas Co.*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994). The Commission's Rules at 52 Pa. Code § 5.101(a) limit preliminary objections to the following grounds:

- (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.

For purposes of disposing of the preliminary objections, the Commission must accept as true all well-pleaded material facts of the nonmoving party, as well as every reasonable inference deducible from those facts. *County of Allegheny v. Cmwlth of Pa.*, 490 A. 2d 402 (Pa. 1985); *Cmwlth of Pa. v. Bell Tele. Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the Complaint in this case in the light most favorable to Complainant and should dismiss the Complaint only if it appears that Complainant would not be entitled to

relief under any circumstances as a matter of law. *Equitable Small Transp. Intervenor v. Equitable Gas Co.*, 1994 Pa. P.U.C. LEXIS 69, Docket No. C-00935435 (July 18, 1994); *see also, Interstate Traveler Serv., Inc. v. Pa. Dept of Envir. Resources*, 486 Pa. 536, 406 A.2d 1020 (1979). “For purposes of testing the legal sufficiency of the challenged pleading, a [motion to dismiss] ... admits as true all well-pleaded, material, relevant facts, and every inference deducible from those facts.” *Marinoff v. Bell Tele. Co. of Pa.*, 75 Pa. PUC 489, 491 (1991).

The Commission has held that it does not have jurisdiction to interpret the Uniform Commercial Code to determine the negotiability of instruments. *Alkhatib v. PECO Energy Co.*, PUC Docket No. C-2011-2242125 (Opinion and Order entered Jan. 12, 2012); *Coppedge v. PECO Energy Co.*, PUC Docket No. F-2009-2135893 (Opinion and Order entered Aug. 3, 2010). As such, the Complaint related to the claims regarding the Uniform Commercial Code must be dismissed because the Commission lacks jurisdiction.

However, the Complainant also indicates that the utility is threatening shut off service or has already shut off service. It should be noted that if a utility is threatening to terminate a customer’s service, the customer may prevent termination if “payment in full is tendered in any reasonable manner... payment in any reasonable manner includes payment by personal check unless the customer within the past year has tendered a check which has been returned for insufficient funds or for which payment has stopped.” 52 Pa.Code § 56.94 (1), (2).

With respect to a preliminary objection regarding insufficient specificity of a pleading, the Commission’s regulations state: (1) If a preliminary objection regarding insufficient specificity in a pleading is filed, an answer is not required until further directed by the presiding officer or the Commission. (2) When an amended pleading is filed in response to a preliminary objection alleging insufficient specificity in a pleading, the preliminary motion will be deemed to be moot in accordance with § 5.91 (relating to amendment of pleadings generally). *Id.* at § 5.101(e).

The Respondent alleges that the Complaint fails to set forth a violation by the Company of either the Public Utility Code, the regulations of the Commission or as required by

52 Pa. Code §5.22(a)(4). The Company also asserts that the complaint has insufficient specificity of a pleading under 52 Pa. Code § 101(a)(3) and there is no clear violation of the Commission's statute, regulations or code for it to determine what the Complainant is arguing or requesting as relief.

In reviewing the Formal Complaint filed by the Complainant, I note that Ms. Fields has provided a basis for her complaint related the shut off or potential shut off of her service. Further, it is unclear what the Complainant is attempting to use to pay her outstanding bill with PAWC. While she says they are bills of exchange, they appear to be personal checks in her attachments to the Complaint. Therefore, it appears that there are issues related to payments to the Complainant's account with PAWC and that there is a factual issue to be determined. It must also be determined whether the Company is following proper procedures for termination of service. These remaining issues should be allowed to proceed to a hearing in this matter to resolve these factual issues.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by Pennsylvania American Water Company are granted in part and denied in part.
2. That the portion of the Complainant's Formal Complaint related to claims under the Uniform Commercial Code are dismissed.
3. That the remaining issues in the Complainant's Formal Complaint shall proceed to hearing and the Preliminary Objections are denied.

4. That this matter shall be sent to be scheduled for a hearing on the remaining issues.

Date: October 22, 2025

_____/s/_____
Marta Guhl
Administrative Law Judge

C-2025-3055094 - EDRIE FIELDS v. PENNSYLVANIA-AMERICAN WATER COMPANY

EDRIE FIELDS
320 COMMONS DRIVE
APARTMENT 180
PARKESBURG PA 19365
484.477.9114
edriedf@gmail.com

Served via USPS First Class Mail October 22, 2025

NICHOLAS STOBBE ATTORNEY
MICHAEL A. GRUIN ESQUIRE
STEVENS & LEE
17 NORTH 2ND STREET, 16TH FLOOR
HARRISBURG PA 17101
717.724.3445
717.255.7365
nicholas.stobbe@stevenslee.com
michael.gruin@stevenslee.com

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(Counsel for Pennsylvania-American Water Company)