

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Stacey Redmond	:	
	:	
v.	:	C-2025-3057426
	:	
PECO Energy Company - Electric	:	

**ORDER**  
**GRANTING PRELIMINARY OBJECTIONS AND REFERRING THE COMPLAINT TO**  
**THE COMMISSION’S MEDIATION UNIT**

**HISTORY OF THE PROCEEDING**

On September 12, 2025, Stacey Redmond (“Ms. Redmond”) filed a Formal Complaint (“Complaint”) against PECO Energy Company – Electric (“PECO”), with the Pennsylvania Public Utility Commission (“Commission”). Ms. Redmond complained of damage caused to her personal property as the result of an electrical surge which occurred after a blackout was restored in her service area. For relief, Ms. Redmond requested that PECO investigate the reliability of the transformer supporting her service area, provide preventative accessories for older homes in the service area to avoid future surges, and reimburse or replace the damage caused to her personal property. The Complaint was served on PECO on September 15, 2025.

On October 6, 2025, PECO filed an Answer with New Matter to the Complaint. In its Answer, PECO asserted that Ms. Redmond made a claim for damages to her personal property as a result of the electrical surge in question but that it denied the claim. PECO stated that it is currently investigating Ms. Redmond’s complaints about the reliability of its infrastructure and requested that the Complaint be assigned to the Commission’s mediation unit. In its New Matter, properly endorsed with a Notice to Plead, PECO asserted that the

Commission cannot award monetary damages. PECO concluded its Answer with New Matter by requesting dismissal of the Complaint.

Also on October 6, 2025, PECO filed Preliminary Objections to the Complaint, properly endorsed with a Notice to Plead. In its Preliminary Objections, PECO sought dismissal of the Complaint's claims for damages, pursuant to 52 Pa. Code § 5.101(a)(1), arguing that the Commission lacks jurisdiction to award damages.

On October 14, 2025, Ms. Redmond filed a document titled "Motion to Challenge Issues And/Or Clarify." Although titled as a Motion, the document reads as a response to PECO's Preliminary Objections. In this document Ms. Redmond asserted that she filed her Complaint primarily to get PECO to investigate the safety and reliability of its infrastructure.

On October 20, 2025, the Commission issued a Motion Judge Assignment Notice, assigning me as Presiding Officer over this proceeding.

PECO's Preliminary Objections are procedurally ready to be ruled upon. For the reasons discussed below, the Preliminary Objections will be granted. Further, this Complaint will be referred to the Commission's mediation unit.

#### DISCUSSION

PECO in this matter filed Preliminary Objections to the Formal Complaint. The Commission's regulations provide that preliminary objections are available to parties and may be filed in response to a pleading. 52 Pa. Code § 5.101(a). The grounds for preliminary objections are limited to those set forth as follows:

- (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).

Commission procedure regarding the disposition of preliminary objections is similar to the procedure utilized in Pennsylvania civil practice. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Pennsylvania State Lodge, Fraternal Order of Police v. Dept. of Conservation & Natural Resources*, 909 A.2d 413 (Pa. Cmwlth. 2006), *aff'd*, 592 Pa. 304, 924 A.2d 1203 (2007).

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. *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone 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 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. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

PECO asserts that the claims in the Complaint seeking monetary damages must be dismissed, pursuant to 52 Pa. Code § 5.101(a)(1), as the Commission lacks jurisdiction to award monetary damages. The law supports the position of PECO.

It is well-established under Pennsylvania law that the enforcement powers of the Commission do not include the power to award money damages. *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1978). The Commission cannot award the reimbursement sought by Ms. Redmond in her Complaint. *See Morrow v. Bell Telephone Co. of Pa.*, 330 Pa.Super. 276, 479 A.2d 548 (1984); *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 104 Pa.Cmwlth. 21, 521 A.2d 75 (1987); *Ostrov v. I.F.T., Inc.*, 402 Pa.Super. 87, 586 A.2d 409 (1991). A request for monetary damages must be pursued before a Magisterial District Justice or a Court of Common Pleas.

Given that the Commission does not have jurisdiction over damages claims, Preliminary Objections will be granted, and the portions of the Complaint seeking monetary damages will be dismissed. The remaining matters in the Complaint will be referred to the Commission's mediation unit, in the Ordering paragraphs below.



**C-2025-3057426 - STACEY REDMOND v. PECO ENERGY COMPANY-ELECTRIC**

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