

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Scott and Amanda Santiago	:	
	:	
v.	:	C-2025-3057323
	:	
PECO Energy Company	:	

ORDER
GRANTING PRELIMINARY OBJECTION
AND SETTING THE CASE FOR A HEARING

On September 8, 2025, Scott and Amanda Santiago (Complainants) filed a Formal Complaint against PECO Energy Company (PECO) with the Pennsylvania Public Utility Commission (Commission). In their Complaint, Complainants alleged that PECO threatened to shut off their service or has already shut off their service. In addition, Complainants checked the box marked other and alleged the following:

- I am a tenant who's electric was disconnected on Wednesday August 21st due to non payment. The electric bill is in the Landlords name (SD Catalano).
- This house has 2 individual apartments, but listed as a single family home with PECO;
- PECO was notified via e-mail in May, and supporting documentation was submitted showing there is a single breaker box & meter being shared between two apartment;
- Documented photos showing altered breaker box, exposed wires & extension cords running across the property providing electricity to the adjacent property owned by the landlord;
- Landlord has many common areas on property connected to electric in this one breaker box, and
- Common area used by others including washer & dryer in basement on same electric box.

Complaint ¶ 4.

For relief, Complainants requested the following:

- A comprehensive inspection of the electrical, plumbing,

- heating, and water treatment;
- Request PECO to install individual breaker boxes and wiring in both apartments, and
- Request a Code Enforcement Inspection of the private well, insufficient water heater, & water quality.

Complaint ¶ 5.

On September 24, 2025, PECO filed an Answer to the Complaint. In its Answer, PECO denied all material allegations of facts and conclusions in the Complaint. According to PECO, the service account holder is S.D. Catalano, who established service in October 2017. On July 25, 2025, the account holder was issued a Ten-Day Termination Notice and on August 21, 2025, the account holder's service was terminated for non-payment. On August 21, 2025, Complainants contacted PECO advising that they live in a two-apartment property and their services were improperly terminated. On August 21, 2025, Complainants applied for service in their own name. On September 9, 2025, Complainants were approved to have service placed in their name. Service has remained in the account holder's name until the property can be inspected for alleged foreign wiring and PECO will conduct a high bill field investigation on the property. Answer ¶ 4.

Also on September 24, 2025, PECO filed a Preliminary Objection to the Complaint, properly endorsed with a Notice to Plead. In its Preliminary Objection, PECO seeks dismissal of the Complainants' claims for conducting plumbing and heating treatment, installing individual breaker boxes and separate wiring for both apartments at a privately owned property and code enforcement inspection, pursuant to 52 Pa. Code § 5.101(a)(1), arguing that the Commission lacks jurisdiction.

Pursuant to 52 Pa. Code § 5.101(f)(1), Complainants had ten (10) days from the date of service to file an answer to the Preliminary Objections. As of the date of this Order, Complainants have not filed an answer to PECO's Preliminary Objection.

On October 17, 2025, the Commission issued a Motion Judge Assignment Notice, assigning me as Presiding Officer over this proceeding.

PECO's Preliminary Objection is procedurally ready to be ruled upon. For the reasons discussed below, the Preliminary Objection will be granted.

DISCUSSION

PECO in this matter filed a Preliminary Objection 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 Commission does not have jurisdiction over claims regarding plumbing and heating treatment, installing individual breaker boxes and separate wiring for both apartments at a privately owned property and a code enforcement inspection pursuant to 52 Pa. Code § 5.101(a)(1). The law supports the position of PECO.

The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *Tod and Lisa Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977). 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). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa.Cmwlt. 1992) *alloc. denied* 637 A.2d 293 (Pa. 1993).

The Commission has jurisdiction over the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. The offense alleged must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. See, 66 Pa.C.S. §701. Complainants' Complaint with regard to any issues associated with plumbing and heating treatment at the Complainants' rental unit, installing individual breaker boxes and separate wiring for both apartments, as well as conducting a code enforcement inspection are outside of the PUC's jurisdiction and do not apply to PECO in its capacity as a Public Utility Company.

The Commission does not have jurisdiction over disputes between landlords and tenants. This is so even if the disputes pertain to utility service. See *Rene Yanko v. Pa. American Water Company*, Docket No. F-2019-3011774 (Opinion and Order entered March 25, 2021). The issues raised within the Complaint are landlord tenant matters that must be handled in the Court of Common Pleas. Accordingly, Complainants' Formal Complaint with regard to rewiring of the property, code inspections and plumbing and heating inspections should be dismissed as it fails to

set forth any violation by PECO of either the Public Utility Code, the regulations of the PUC or PECO's Electric Service Tariff as required by 52 Pa. Code §5.22(a)(4).

Given that the Commission does not have jurisdiction over Complainants' claims, the Preliminary Objection will be granted, and the portions of the Complaint seeking rewiring of the property, code inspections and plumbing and heating inspections will be dismissed. This Order does not dismiss the Complaint in its entirety; therefore, a hearing will be held on the remaining issues raised in the Complaint.

ORDER

THEREFORE,

IT IS ORDERED:

1. That PECO Energy Company's Preliminary Objection filed in the matter of Scott and Amanda Santiago v. PECO Energy Company, Docket No. C-2025-3057323, is granted.
2. That the portions of the Formal Complaint seeking rewiring of the property, code inspections and plumbing and heating inspections will be dismissed.

C-2025-3057323 - SCOTT AND AMANDA SANTIAGO v. PECO ENERGY COMPANY

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