

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Roxane Leaveck	:	
	:	
v.	:	C-2025-3054458
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Steven K. Haas
Administrative Law Judge

INTRODUCTION

This decision dismisses a formal Complaint for the failure of Complainant to appear for the hearing and prosecute her Complaint.

HISTORY OF THE PROCEEDING

On April 7, 2025, Roxane Leaveck, (Ms. Leaveck or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL or Respondent). In her Complaint, Ms. Leaveck alleged, among other things, that the Respondent is defrauding her, the State government and the Federal government. Ms. Leaveck alleged violations by PPL of certain provisions of Federal law over which the Commission has no jurisdiction. She requested a full accounting from PPL, that PPL cease and desist from ever contacting her again, and to “stop the planned termination of services.” Complaint ¶

7(c). Ms. Leaveck checked the box on her Complaint form indicating that she wished to be served documents by First Class Mail. Complaint ¶ 9.

On April 28, 2025, PPL filed an Answer with New Matter, as well as Preliminary Objections in response to Ms. Leaveck's Complaint. In its Answer, PPL denied that there were any incorrect charges on her account or that its billing of Ms. Leaveck's account was in any way improper or illegal. In its New Matter, PPL averred that that Commission lacks subject matter jurisdiction over the Federal law claims raised in the Complaint. In its Preliminary Objections, PPL argued that “. . . the Commission should dismiss the portions of the Complaint alleging violations of federal law” Both the New Matter and Preliminary Objections included a Notice to Plead. Ms. Leaveck did not file responses to either of those documents.

On July 12, 2025, the Commission issued my Order Granting Preliminary Objections. In that Order, I granted the Preliminary Objections to the extent the Complaint involved allegations of violation of federal law as being beyond the Commission's jurisdiction. I indicated that a hearing would be scheduled, however, to allow Ms. Leaveck to raise allegations, if any, of unreasonable service, improper billing or improper service termination.

By Initial Telephonic Hearing Notice dated July 24, 2025, a Call-In Telephonic Hearing Notice was served on the parties scheduling an initial telephonic hearing on August 27, 2025, at 10:00 a.m. The Hearing Notice provided the parties with the Toll-Free Bridge Number and the PIN to call and participate in the telephonic hearing. The Hearing Notice further stated as follows:

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing

another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

CONTINUANCES. You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

On July 25, 2025, a Prehearing Order for Telephone Hearing was served on the parties which reminded the parties of the date and time of the hearing. The Prehearing Order again stated the failure to appear warning. Additionally, the Prehearing Order informed the parties about the applicable procedural rules and again included the procedure to follow for requesting a hearing continuance.

The Hearing Notice and Prehearing Order were served on the Complainant in the ordinary course of the Commission’s business via First Class Mail as she requested on her Complaint form. Neither the Hearing Notice nor the Prehearing Order were returned to the Commission as undeliverable.

On August 27, 2025, the hearing was convened as scheduled. Devin Ryan, Esquire, appeared on behalf of PPL along with one witness and was ready to proceed. The court reporter was also present. Complainant was not present to start the hearing. After a short recess to allow time for Complainant to appear, the hearing proceeded in Complainant’s absence. No testimony was taken, and no exhibits were introduced into the record. At the hearing, PPL moved to dismiss the Complaint for Complainant’s failure to appear and prosecute her Complaint. Tr. 8. I took this motion under advisement. Tr. 10.

Complainant has not contacted the Commission following the hearing to explain why her failure to appear at the hearing was unavoidable.

The record closed on September 2, 2025, upon the filing of the transcript with the Commission. This decision grants the Respondent's motion to dismiss the Complaint.

FINDINGS OF FACT

1. The Complainant is Roxane Leaveck.
2. The Respondent is PPL Electric Utilities Corporation.
3. On April 7, 2025, Complainant filed a Formal Complaint against Respondent.
4. On April 28, 2025, Respondent filed an Answer with New Matter and Preliminary Objections to the Complaint.
5. On July 24, 2025, a Call-In Telephone Hearing Notice was served on Complainant scheduling an initial telephonic hearing on August 27, 2025, at 10:00 a.m.
6. On July 25, 2025, a Prehearing Order for Telephone Hearing was served on Complainant providing additional information to the parties regarding the hearing.
7. Both the Hearing Notice and Prehearing Order were served on Complainant by First Class Mail to the address Complainant provided on her Complaint form.

8. Both the Hearing Notice and Prehearing Order provided the Complainant with the toll-free bridge telephone number and PIN to call and participate in the hearing, and, *inter alia*, the procedure for requesting a continuance and the possible consequences of failing to appear at the hearing.

9. Neither the Hearing Notice nor the Prehearing Order served on the Complainant were returned to the Commission as undeliverable.

10. Complainant failed to appear and participate in the scheduled telephonic hearing on August 27, 2025.

11. The court reporter, Counsel for Respondent and its witness(es) were present and prepared to proceed at the August 27, 2025, hearing.

12. Complainant has not contacted the Commission after the hearing date to explain why her failure to appear at the hearing was unavoidable.

DISCUSSION

Due Process and Notice

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Id.*

The record shows that Complainant was provided notice and the opportunity to be heard. First, on July 24, 2025, Complainant was served a Hearing Notice which advised the parties of the date and time of the hearing, and how to

participate. Second, on July 25, 2025, Complainant was served a Prehearing Order which reminded the parties of the date and time of the hearing, and how to participate. Further, both documents advised the parties, *inter alia*, how to request a continuance prior to the hearing if needed. Finally, both documents advised Complainant that failure to appear may result in dismissal with prejudice, which means that Complainant would be barred from filing another complaint raising the same claim(s) and issues(s) presented in the dismissed complaint.

Both the Hearing Notice and Prehearing Order were served on the Complainant by First Class Mail to the address provided by her on her Complaint form. Neither was returned to the Commission as undeliverable.

Complainant had notice of the hearing and an opportunity to be heard in this proceeding. Therefore, the Complainant's due process rights have been fully protected. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993).

Failure to Appear, Waiver and the "Unavoidable" Standard

Once a hearing is scheduled and the parties are duly notified by the Commission, it is the responsibility of the parties to appear and participate in the hearing. *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Opinion and Order entered Jan. 28, 2002). Both the Public Utility Code and the Commission's regulations provide that, after being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a). However, these provisions in the Code and in the Commission's regulations do not apply if the presiding officer determines that the party's failure to appear at the hearing was unavoidable and that the interests of the other

parties and of the public would not be prejudiced by permitting reopening or further examination. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(b).

The party who failed to appear at the hearing has the burden of explaining why his/her failure to appear was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. West Penn Power Co.*, Docket No. C-2021-3028202 (Opinion and Order entered Sept. 15, 2022). When there are no facts in the record that the party's failure to appear was unavoidable, the Complaint should be dismissed. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

I note here that at 12:20 a.m. on August 27, 2025, Ms. Leaveck sent an e-mail to me and counsel to PPL in which she stated that she objected to the telephone hearing and the removal of the federal charges. Specifically, she stated, “. . . I am a Private Attorney General operating under the Federal Qui Tam Provisions, and OBJECT to both Telephone Hearings and the Removal of the Federal Allegations in this matter.” She further stated, *inter alia*:

. . . I stand for, and speak, on behalf of ALL Benefices, aka., “We the people”, God Almighty, and All Creation – and I WILL NOT BE SILENCED NOR OVERRIDDEN one more second. I WILL NEVER agree to a telephone hearing in this matter. . . . FAIR WARNING: Anyone who is intent on being charged with TREASON and CRIMES AGAINST HUMANITY, is welcome to proceed with this Fraud upon the Trust, and the Court, AT THEIR OWN RISK AND UNDER FULL NOTICE.

Complainant never contacted me or the Commission prior to August 27, 2025, to request a continuance of the hearing pursuant to the instructions provided in both the Hearing Notice and my Prehearing Order. Further, Complainant did not connect to the hearing at the scheduled time to raise her objection to a telephonic hearing and to explain the reasons for her request, which action would have given PPL the opportunity to respond to the request. Rather, Complainant unilaterally chose to refuse to appear for the scheduled hearing without having first received approval. Under these circumstances, I find that it is appropriate to dismiss the Complaint due to the Complainant's failure to appear at the hearing and prosecute her Complaint.

Complainant failed to appear for the hearing despite receiving notice and despite my having allowed additional time for her to appear. To date, there has been no communication to the Office of Administrative Law Judge or me by, or on behalf of, Complainant explaining why Complainant's failure to appear at the hearing was unavoidable.

Consequently, I find that Complainant waived the opportunity to participate in a hearing on the matters raised in the Complaint, Complainant's absence was not unavoidable, and the Complaint should be dismissed with prejudice.

Burden of Proof and Dismissal of Complaint

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the Complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578

A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is established by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

As the proponent of any request for relief, Complainant bears the burden of proof. By failing to participate and proffer any evidence to support the Complaint, Complainant has failed to meet this burden. Thus, it is appropriate to dismiss the Complaint. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-300734 (Opinion and Order entered Mar. 14, 2019) (citing *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995)). Accordingly, the merits of the Complaint will not be addressed.

Respondent's motion to dismiss will be granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The Commission is required to provide due process to the parties appearing before them; this due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

3. After being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses. 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

4. If there are no facts in the record that a party's failure to appear at a hearing was unavoidable, the complaint should be dismissed. *Brown v. PECO Energy Co.*, Docket No. C-2019-3009486 (Opinion and Order entered Apr. 22, 2022); *Little v. Pittsburgh Water & Sewer Auth.*, Docket No. F-2021-3027107 (Opinion and Order entered Feb. 7, 2022); *Williams v. PECO Energy Co.*, Docket No. C-2018-3000734 (Opinion and Order entered Mar. 14, 2019); *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered Dec. 26, 1995).

5. Complainant's due process rights have been fully protected and Complainant's failure to appear was not unavoidable. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984); 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

6. As the party seeking relief, Complainant bears the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

7. By failing to participate in the hearing and proffer any evidence to support the Complaint, Complainant has failed to meet the burden of proof. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion of PPL Electric Utilities Corporation to dismiss the Formal Complaint of Roxane Leaveck at Docket Number C-2025-3054458 is granted.

2. That the Formal Complaint filed by Roxane Leaveck in Roxane Leaveck v. PPL Electric Utilities Corporation, Docket Number C-2025-3054458, is hereby dismissed.

3. That the Secretary's Bureau shall mark Docket No. C-2025-3054458 as closed.

Date: November 21, 2025

_____/s/
Steven K. Haas
Administrative Law Judge