

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|------------------------------------|---|----------------|
| Kelly Hannan-Chuba | : | |
| | : | |
| v. | : | C-2025-3057804 |
| | : | |
| PPL Electric Utilities Corporation | : | |

ORDER
GRANTING IN PART AND DENYING IN PART
PRELIMINARY OBJECTIONS

This Order grants in part and denies in part the preliminary objections of PPL Electric Utilities Corporation (PPL or Company). Because the Pennsylvania Public Utility Commission (Commission) does not have the authority to award monetary damages as a remedy that portion of the Formal Complaint (Complaint) will be dismissed. However, this Order also directs that a hearing will be scheduled and held on the claims raised in the Formal Complaint.

History of the Proceeding

On October 2, 2025, Kelly Hannan-Chuba (Ms. Hannan-Chuba or Complainant) against the Company. Ms. Hannan-Chuba checked the box marked “other” on the Complaint form, explaining:

PPL refused to trim a tree entangled in powerlines to both me and my next door neighbor. PPL claims, because they use a second pole on my property to convey their mail [sic] line, again to multiple properties, that they are not responsible for trimming the tree. I believe PPL is responsible and is purposely using old infrastructure as an excuse to transfer the burdon [sic] of line maintenance to homeowners.^[1]

¹ Compl. ¶ 4.

As relief, the Complainant seeks reimbursement of charges she incurred trimming the tree.²

On October 14, 2025, PPL filed an Answer with New Matter and a Preliminary Objection. In its Answer, PPL denied responsibility for trimming the tree Complainant reported as touching a PPL wire.³ Further, PPL requested the Complaint be denied and dismissed.

In its Preliminary Objection, the Company averred the Commission lacks jurisdiction over the Complaint. PPL further averred that under Section 5.101(a)(4) of the Commission's regulations, the Complaint is legally insufficient.⁴ PPL further requests that the Commission dismiss the Complaint in its entirety.

Ms. Hannan-Chuba did not file a responsive pleading to PPL's Preliminary Objection.

On November 19, 2025, a Motion Judge Assignment Notice was issued informing the parties that I was assigned as the Presiding Officer responsible to resolve any issues which may arise during the preliminary phase of the proceeding. PPL's Preliminary Objection is now ready for disposition.

Discussion

The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections and provides:

§ 5.101. Preliminary objections.

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior

² Compl. ¶ 5.

³ Answer ¶ 4.

⁴ See 52 Pa. Code § 5.101(a)(4).

preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

- (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.^[5]

In deciding preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible.⁶ Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections.⁷ All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party.⁸ Therefore, the primary focus is on whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible.⁹

⁵ 52 Pa. Code § 5.101(a).

⁶ *Dep't of Auditor General v. SERS*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996).

⁷ *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002).

⁸ *Ridge v. State Employees' Ret. Bd.*, 690 A.2d 1312 (Pa. Cmwlth. 1997).

⁹ *Id.*

Additionally, as a matter of law, to establish a legally sufficient claim, a complainant must show that the named utility company is responsible or accountable for the problem described in the complaint in order to prevail.¹⁰ The offense must be a violation of the Pennsylvania Public Utility Code (Code), a Commission regulation or order or a violation of a Commission-approved tariff.¹¹ A finding of a violation of a Commission Order, regulation, or statute, by the public utility may result in the imposition of a civil penalty on the public utility company, consistent with Section 3301 or other provisions of the Code.

In the instant case, Ms. Hannan-Chuba alleges in her Complaint that PPL failed to trim a tree around its electric lines. This claim of failure to maintain safe service is cognizable under the Code and Commission Regulations.¹² Therefore, since there is a factual dispute as to these allegations, the Complainant should be afforded the opportunity to present evidence on her claim and prove them by a preponderance of the evidence.¹³

However, even *assuming arguendo* that Ms. Hannan-Chuba proves that the Company violated the Code, Commission regulation or order or a violation of its Commission-approved tariff, the Commission cannot award monetary compensation as relief. Although this Commission has general jurisdiction over the rates and services of public utilities operating in Pennsylvania, the Commission only has the powers and authority granted to it by the General Assembly in the Code. Nothing in the Code confers jurisdiction upon the Commission to award monetary damages.¹⁴

¹⁰ *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. P.U.C. 196 (1990).

¹¹ 66 Pa.C.S. § 701.

¹² *See* 66 Pa.C.S. § 1501 (providing that every public utility must provide reasonable service).

¹³ *See Carlock v. United Tel. Co. of Pa.*, Docket No. F-00163617 (Order entered July 14, 1993) (*Carlock*) (holding that, in general, a *pro se* complainant may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe his basic issue and supporting facts).

¹⁴ *Feingold v. Bell*, 383 A.2d 791 (Pa. 1977) (*Feingold*); *DeFrancesco v. Western Pa. Water Co.*, 453 A.2d 595 (Pa. 1982); *Elkin v. Bell of Pa.*, 420 A.2d 371 (Pa. 1980).

Rather, monetary damage payments must be pursued and ordered by a court of competent jurisdiction, such as a county court of common pleas or magisterial district justice, not the Commission.¹⁵ A finding, if any, that PPL violated a Commission Order, regulation or statute, may result in the imposition of a civil penalty, but does not require it, consistent with Section 3301 or other provision of the Code. Further, it should be noted that a fine, if any, that is imposed on PPL is payable to the Commonwealth of Pennsylvania, not the customer.

Therefore, to the extent that Ms. Hannan-Chuba seeks monetary damages, namely reimbursement for tree trimming expenses, PPL's preliminary objection will be sustained because the Commission does not have the authority to award monetary damages.

However, viewing the Complaint in the light most favorable to Complainant as the non-moving party and accepting as true every well-pleaded material fact in the Complaint, as well as every reasonable inference from those facts, Complainant raised issues of fact as to reasonable service. I find that there is a sufficient basis to proceed to a hearing where Ms. Hannan-Chuba will have the opportunity to provide testimony and evidence, as she must, to carry her burden of proof in support of her position.¹⁶ This issue lies within the jurisdiction of the Commission and will not be dismissed on preliminary objections but will proceed forward for adjudication.

Thus, a hearing will be scheduled by a separate Hearing Notice on the claims raised in the Complaint and over which remedies the Commission does have authority.¹⁷

¹⁵ *Feingold.*

¹⁶ *See Carlock.*

¹⁷ 66 Pa.C.S. § 1501.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by PPL Electric Utilities Corporation, at Docket No. C-2025-3057804, is hereby granted, in part, and denied, in part, consistent with this Order.

2. That PPL Electric Utilities Corporation's Preliminary Objection which requests that the Complainant's request for reimbursement be stricken from the Complaint for lack of Commission jurisdiction is granted.

3. That PPL Electric Utilities Corporation's Preliminary Objection which requests that the Formal Complaint be dismissed is denied.

4. That by separate Hearing Notice, an evidentiary hearing will be scheduled on the claims over which the Commission does have jurisdiction that Ms. Hannan-Chuba raised in her Formal Complaint at Docket No. C-2025-3057804.

Date: December 2, 2025

_____/s/
Emily A. Farren
Administrative Law Judge

C-2025-3057804 - KELLY HANNAN CHUBA v. PPL ELECTRIC UTILITIES CORPORATION

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