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December 3, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor North
Harrisburg, PA 17105-3265

**RE: Capitol Area Neighbors v. PPL Electric Utilities Corp.
File No. C-2025-3058501**

Dear Secretary Homsher:

Enclosed for filing is PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Capitol Area Neighbors With New Matter.

Copies of the aforesaid Preliminary Objections are being provided as indicated on the Certificate of Service.

Respectfully submitted,

GRAIG M. SCHULTZ

Enclosure

cc: Certificate of Service

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CAPITOL AREA NEIGHBORS,

Complainant,

v.

PPL ELECTRIC UTILITIES
CORPORATION,

Respondent.

Docket No. C-2025-3058501

NOTICE TO PLEAD

To: Capitol Area Neighbors
c/o Mark Santanna
210 Liberty Street
Harrisburg, A 17101

Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that an answer to Respondent PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Capitol Area Neighbors must be filed within 10 days of the date of service of Respondent's Preliminary Objections.

Dated: December 3, 2025

By: 

Graig M. Schultz (I.D. No. 207123)
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*Attorneys for Respondent:
PPL Electric Utilities Corporation*

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CAPITOL AREA NEIGHBORS,

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**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S PRELIMINARY
OBJECTIONS TO THE COMPLAINT OF CAPITOL AREA NEIGHBORS**

Respondent PPL Electric Utilities Corporation ("PPL" or "Respondent"), by and through its counsel, Fitzpatrick Lentz & Bubba, P.C., hereby objects to the Complaint of Capitol Area Neighbors ("Complainant") as follows:

1. PPL hereby incorporates the averments set forth in its Answer to the Complaint with New Matter which has been contemporaneously filed in the above-captioned matter as if fully set forth herein.
2. On or about November 13, 2025, Complainant filed a Complaint against PPL. A true and correct copy of the Complaint is incorporated herein by reference.
3. Complainant alleges that PPL is failing to maintain the lights it owns in the downtown area of Harrisburg. *See* Compl. at ¶ 4.
4. Complainant is requesting that the Commission order PPL to fix every streetlight in the downtown area of Harrisburg. *See id.* at ¶ 5.
5. Complainant also requests that the Commission order PPL and the City of Harrisburg to enter into a management agreement or memorandum of understanding. *See id.*

6. Complainant further requests that the Commission order PPL to create an online method of reporting streetlight outages to the City of Harrisburg. *See id.*

7. PPL denies that it has failed to maintain the lights it owns in downtown Harrisburg. To the contrary, each of the streetlights owned by Respondent in the downtown Harrisburg area as depicted on the maps attached to the Complaint are presently functioning. *See generally* PPL's Answer to the Complaint with New Matter.

8. The Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission (the "Commission") provide for the filing of preliminary objections. *See* 52 Pa. Code § 5.101.

9. Preliminary objections are properly filed when the Commission lacks jurisdiction over a complainant's claims. 52 Pa. Code § 5.101(a)(1).

10. Preliminary Objections are also properly filed by a respondent when the complaint is legally insufficient. 52 Pa. Code § 5.101(a)(4).

11. The provision at 52 Pa. Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. *See Lehigh Valley Power Comm. v. Pennsylvania Pub. Util. Comm'n*, 563 A.2d 557, 564 (Pa. Cmwlth. 1989).

12. Preliminary objections are also properly filed when a Complainant lacks standing to bring a complaint before the Commission. 52 Pa. Code § 5.101(a)(7).

13. Preliminary objection practice before the Commission is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, No. C-00935435, 1994 WL 932315, at *1 (Pa. P.U.C. July 18, 1994) (citation omitted).

14. Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. *Interstate Traveller Servs., Inc. v. Com., Dep't of Env't Res.*, 406 A.2d 1020, 1022 (Pa. 1979) (citing *Baker v. Brennan*, 213 A.2d 362 (Pa. 1965)). The Commission follows this standard. *Montague v. Philadelphia Elec. Co.*, No. C-871540, 0088 WL 1534888 (Pa. P.U.C. Jan. 6, 1988).

15. Additionally, 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. *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602, 604 (Pa. Cmwlth. 1988).

16. Given this, 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. *Moses v. Philadelphia Gas Works*, No. C-2017-2635927, 2018 WL 937080, at * 2 (Pa. P.U.C. Feb. 5, 2018) (citations omitted).

17. Importantly, the commission does not have jurisdiction to adjudicate every dispute that involves a utility. The Commission regulations state that a person may file a formal complaint claiming a violation of a statute that the Commission has jurisdiction to Administer. *See* 52 Pa. Code § 5.21(a) (in order to be legally sufficient, a complaint must set forth "...an act done or omitted to be done by a person subject to the jurisdiction of the Commission, in violation, or claimed violation of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission...").

18. Additionally, the Commission regulations authorize the Commission to dismiss a complaint if a hearing is not necessary and authorizes preliminary objections to be filed in response to a complaint. 52 Pa. Code § 5.21(d). *See also* 66 Pa.C.S. § 703(b) (“The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.”).

FIRST PRELIMINARY OBJECTION

**COMPLAINANT LACKS STANDING TO BRING A COMPLAINT
BEFORE THE COMMISSION**

19. In order to bring a complaint before the Commission, a complainant must first demonstrate that he has standing to maintain the action. *Yakubov v. Philadelphia Gas Works*, No. C-2016-2570704, 2017 WL 2861412, at * 4, (Pa. P.U.C. June 26, 2017) (citing *Nye v. Erie Ins. Exch.*, 470 A.2d 98 (Pa. 1983)).

20. The Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. *See, e.g., Landlord Serv. Bureau, Inc. v. Equitable Gas Co.*, 79 Pa. P.U.C. 342, 1993 WL 740945 (June 8, 1993); *Re: Equitable Gas Co.*, 76 Pa. P.U.C. 23, 1992 WL 12602313 (Jan. 16, 1992).

21. Importantly, the Commission has held that a complainant must be respondent’s customer to have standing to file a complaint about utility service. *See List v. Metro. Edison Co.*, C-2018-3003093, 2018 WL 7051866, at * 5 (Pa. P.U.C. Dec. 10, 2018) (citing *Re: Pennsylvania Am. Water Co.*, 85 Pa. PUC 548 (1995); and *Pa. Pub. Util. Comm’n v. Marietta Gravity Water Co.*, 87 Pa. PUC 864 (1997)). In other words, a complainant which is not a customer of a utility does not have the requisite substantial, direct, and immediate interest necessary to confer standing to bring the complaint about the service of that utility. *See id.* (citing *Lavelly v. West Penn Power Co.*, No. C-2014-2408502, 2015 WL 730170 (Pa. P.U.C. Feb. 12, 2015)).

22. In this case, the Complaint was filed by Capital Area Neighbors, by and through its President, Mark Santanna. Compl. at ¶ 4.

23. However, Capital Area Neighbors is not a customer of PPL. This is clearly evidenced by the fact that there is no utility account number listed on the Complaint, *see id.* at ¶ 1, and by the use of Mr. Santanna’s home address on the Complaint. *See id.*

24. Because Capital Area Neighbors is not a customer of PPL, it lacks standing to bring the instant action.

25. Given this, the Complaint should be dismissed with prejudice.

SECOND PRELIMINARY OBJECTION

ALTERNATIVELY, EVEN ASSUMING THAT CAPITAL AREA NEIGHBORS WAS A CUSTOMER OF PPL AND A REGISTERED LEGAL ENTITY, IT MUST BE REPRESENTED BEFORE THE COMMISSION BY COUNSEL

26. The Commission’s Regulations require a corporation, *inter alia*, to be represented by an attorney in an adversarial proceeding before the Commission. *Application of Good News Transp., LLC*, No. A-2024-3048479, 2024 WL 3813840, at *3 n.3 (Pa. P.U.C. Aug. 7, 2024) (citing 52 Pa. Code § 1.21(b)).

27. Capital Area Neighbors is not a registered legal entity, it’s a “neighborhood group.” Compl. at ¶ 4.

28. In addition, Capital Area Neighbors is not represented by an attorney in this matter. *Id.* at ¶ 10.

29. Assuming that Complainant can satisfy its standing requirement, it is not a legal entity who has proper representation before the Commission.

30. Consequently, the Complaint should be dismissed with prejudice.

THIRD PRELIMINARY OBJECTION

ALTERNATIVELY, THE COMMISSION DOES NOT HAVE THE ABILITY TO AWARD COMPLAINANT THE RELIEF SOUGHT IN THE COMPLAINT

31. The Commission does not have jurisdiction to adjudicate every dispute that involves a utility. More specifically, the Commission is a creature of statute and may exercise only those powers that are expressly conferred upon it by the Legislature. *Feingold v. Bell of Pennsylvania*, 383 A.2d 791, 794 (Pa. 1978) (citations omitted).

32. As noted above, PPL has already satisfied Complainant's request that PPL repair its streetlights, insofar as PPL has repaired all of its streetlights in the downtown area of Harrisburg, and all PPL owned streetlights in this area are in proper working condition.

33. Assuming that Complainant can satisfy its standing requirement, the Commission does not have the power to award the remaining relief sought by Complainant.

34. Specifically, Complainant requests that Complainant also requests that the Commission order PPL and the City of Harrisburg to enter into a management agreement or memorandum of understanding. Compl. at ¶ 5. Complainant further requests that the Commission order PPL to create an online method of reporting streetlight outages to the City of Harrisburg. *Id.*

35. However, the Commission does not have the authority to force PPL to enter into any contracts with the City of Harrisburg.

36. Nor does the Commission have the authority to direct PPL on how to operate its website or online activity.

37. Based upon all the foregoing reasons, the Commission cannot award the relief sought by Complainant.

38. Accordingly, the Complaint should be dismissed with prejudice.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Capitol Area Neighbors be denied and dismissed.

Dated: December 3, 2025

Respectfully submitted,

By: _____


Graig M. Schultz (I.D. No. 207123)
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*Attorneys for Respondent:
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Preliminary Objections to the Complaint of Capitol Area Neighbors have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 relating to service by a party.

Via First-Class Mail

Capitol Area Neighbors
c/o Mark Santanna
210 Liberty Street
Harrisburg, A 17101

Dated: December 3, 2025

By: 

Graig M. Schultz