



December 10, 2025

VIA E-FILING

David P. Zambito

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Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

Re: Madison Mullen v. Talen Energy Marketing, LLC; Docket No. C-2025-3058746

Preliminary Objections of Talen Energy Marketing, LLC

Dear Secretary Homsher:

Enclosed for filing with the Pennsylvania Public Utility Commission are the Preliminary Objections of Talen Energy Marketing, LLC ("Talen") in the above-referenced matter. Copies have been served as shown on the attached Certificate of Service.

The Preliminary Objections aver insufficient specificity of the pleading, and therefore Talen's answer to the formal complaint is not required until further directed by the presiding officer or the Commission pursuant to 52 Pa. Code § 5.101(e)(1). Please contact me if you have any question or concern regarding this filing. Thank you.

Sincerely,

COZEN O'CONNOR

By: David P. Zambito
Counsel for *Talen Energy Marketing LLC*

DPZ:kmg
Enclosure

cc: Per Certificate of Service
Jennifer Mansh

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Madison Mullen,	:	
	:	
Complainant	:	
	:	Docket No. C-2025-3058746
v.	:	
	:	
Talen Energy Marketing, LLC,	:	
	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of December 2025 served a true copy of the foregoing *Preliminary Objections of Talen Energy Marketing, LLC*, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND FIRST CLASS MAIL

Madison Mullen
897 Race Street
Sunbury, PA 17801
madlizz@yahoo.com

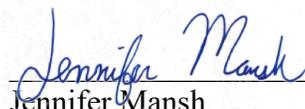


David P. Zambito
Counsel for *Talen Energy Marketing, LLC*

VERIFICATION

I, Jennifer Mansh, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: December 9, 2025



Jennifer Mansh
Senior Vice President - Regulatory Counsel
Talen Energy Marketing LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Madison Mullen,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3058746
	:	
Talen Energy Marketing, LLC,	:	
Respondent	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that you have ten (10) days from the service of the enclosed Preliminary Objections of Talen Energy Marketing, LLC (“Talen”) to file an Answer to the Preliminary Objections. All pleadings, such as an Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Talen and where applicable the Administrative Law Judge presiding over the case.

File with:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

With a copy to:

David P. Zambito, Esq. (PA ID 80017)
Dawn Kurtz Crompton, Esq. (PA ID 311701)
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Date: December 10, 2025

David P. Zambito, Esq.
Counsel for *Talen Energy Marketing LLC*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Madison Mullen,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3058746
	:	
Talen Energy Marketing, LLC,	:	
Respondent	:	

**PRELIMINARY OBJECTIONS OF
TALEN ENERGY MARKETING, LLC**

AND NOW COMES Talen Energy Marketing, LLC (“Talen” or “Respondent”), pursuant to 52 Pa. Code § 5.101, to file these Preliminary Objections to the formal complaint (“Complaint”) filed by Madison Mullen (“Complainant”), which was served on Talen on November 21, 2025. Talen respectfully requests that the Pennsylvania Public Utility Commission (“Commission”) dismiss the Complaint because it fails to state a claim upon which relief can be granted.

In support whereof, Talen avers as follows:

I. Background

1. Talen is an electric generation supplier (“EGS”) licensed by the Commission (Utility Code 110098).
2. The Complaint fails to provide any specific information concerning Complainant’s relationship, if any, to Talen.
3. On November 20, 2025, Complainant filed the Complaint online. On November 21, 2025, the Secretary of the Commission served Talen with the Complaint.

II. Legal Standard

4. The Commission's regulations permit a party to file preliminary objections in response to a pleading for certain enumerated reasons, including but not limited to, legal insufficiency of a pleading, insufficient specificity of a pleading, and standing of a party to participate in the proceeding. 52 Pa. Code § 5.101(a)(3)-(4), (7).

5. When ruling on preliminary objections, the Presiding Officer must accept as true all well-pleaded allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of General Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)). In order to sustain preliminary objections, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, 910 A.2d at 781. However, the Presiding Officer does not need to accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Public Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007).

6. The provision at 52 Pa. Code § 5.101(a)(4) permits the filing of a preliminary objection to dismiss a pleading for legal insufficiency. The provision at 52 Pa. Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists, and the matter in dispute is purely a legal question. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 Pa. C.S. § 703(a); *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n*, 563 A.2d 557, 564 (Pa. Cmwlth. 1989); *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n*, 563 A.2d 548, 556-557 (Pa. Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm'n*, 540 A.2d 1006, 1008-9 (Pa. Cmwlth. 1988); *White Oak Borough Auth. v. Pa. Pub. Util. Comm'n*, 103 A.2d 502, 507 (Pa. Super. 1954).

7. In civil practice, a preliminary objection based on legal insufficiency is referred to as a demurrer. Preliminary objections in the form of a demurrer will be sustained only in cases which are free and clear of doubt and where dismissal is clearly warranted by the record. *Community Life Support Systems, Inc., et al. v. Cmwltth.*, 689 A.2d 1014, 1017 (Pa. Cmwltth. 1997). Any doubt must be resolved in favor of overruling a demurrer. *Id.* The question presented by the demurrer is whether, on the facts averred, the law states with certainty that no recovery is possible. *Hoffman v. Misericordia Hosp. of Phila.*, 439 Pa. 501, 267 A.2d 867 (1970).

8. The provision at 52 Pa. Code § 5.101(a)(3) permits the filing of a preliminary objection to dismiss for insufficient specificity of a pleading. The Pennsylvania Rules of Civil Procedure (“Pa. R.C.P.”), generally provide the requirements for the contents of pleadings and general and specific averments. The applicable rule for contents of pleadings provides that “[a]verments of time, place and items of special damage should be specifically stated.” Pa. R.C.P. 1019(f); *see also Cmwltth. Fin. Sys. v. Hartzell*, 17 Pa. D. & C. 5th 176, 188 (Pa. Com. Pl. 2010) (citing *Marine Bank v. Orlando*, 25 Pa. D. & C. 3d 264 (Pa. Com. Pl. 1982) (explaining that “the function of the pleadings is to form the issues and to restrict the proof at trial” and that “[t]he rules of civil procedure are drafted to establish that the issues are to be formed in the pleadings”)).

9. The provision at 52 Pa. Code § 5.101(a)(7) permits the filing of a preliminary objection to dismiss a pleading for insufficient standing of a party to participate in a proceeding. To satisfy the requirement of standing, the party must be “aggrieved,” meaning that the party must have a “substantial, direct, and immediate interest in the matter.” *Markham v. Wolf*, 136 A.3d 134, 140 (Pa. 2016). For an interest to be substantial, the party’s concern in the matter “must surpass ‘the common interest of all citizens in procuring obedience to the law.’” *Id.* (quoting *In re Hickson*, 821 A.2d 1238, 1243 (Pa. 2003)). For an interest to be direct, the party must establish “that the matter caused harm to the party’s interest.” *Id.* (internal quotation marks omitted). Finally, the

concern will only be considered immediate “if that causal connection is not remote or speculative.” *Id.* at 141 (internal quotation marks omitted).

III. Preliminary Objections

A. Preliminary Objection I: Legal Insufficiency of a Pleading.

10. The primary allegation in the Complaint is that “Talen energy is putting tech giants before regular house holds [*sic*] by trying to force them into our area to destroy our land and drain our powerplants of energy they aren’t making enough of.” Complaint at p. 2, Section 5.

11. Complainant seeks the following resolution of its Complaint: “Enforce strong regulations and guidelines on any proposal to ai data centers or any industry trying to move into an area where the community has made it abundantly clear they are not wanted.” Complaint at p. 3, Section 6.

12. In this case, it is clear and free from doubt that dismissal of the Complaint is warranted because the Complaint does not provide any factual or legal basis to support the allegations, and the Complaint does not cite any statute, regulation, Commission order, or tariff that Talen allegedly violated. *See* Complaint at p. 2, Section 5. Moreover, the Complaint does not provide any factual or legal basis to support the requested resolution. *Id.* at p. 3, Section 6. As such, based on the lack of factual averments, no recovery is possible.

13. Talen has demonstrated that: Complainant has failed to meet the burden of proof based on the facts averred (*see generally* 66 Pa.C.S. § 332); judicial economy will be served by avoiding a hearing where no factual dispute exists (*see* 52 Pa. Code § 5.101(a)(4)); and dismissal is appropriate when the law will permit no recovery (*see Stilp*, 910 A.2d at 781; *Hoffman*, 439 Pa. 501 at 867).

14. Accordingly, dismissal of the Complaint due to legal insufficiency is warranted. Talen’s preliminary objection on this basis should be sustained.

B. Preliminary Objection II: Insufficient Specificity of a Pleading.

15. The Complaint does not provide any factual information, any action, or any conduct Talen has exhibited that would give rise to a formal complaint.

16. Again, the Complaint alleges without any specificity that “Talen energy is putting tech giants before regular house holds [*sic*] by trying to force them into our area to destroy our land and drain our powerplants of energy they aren’t making enough of.” Complaint at p. 2, Section 5.

17. The Complaint does not allege (i) any general or specific action or conduct that Talen has taken, (ii) the time of any action or conduct Talen has taken, or (iii) the place of any action or conduct Talen has taken.

18. The allegations set forth in the Complaint are insufficient to provide Talen with enough information to understand the action or conduct that Talen has allegedly exhibited. As explained above, “the function of the pleadings is to **form the issues** and to restrict the proof at [hearing].” *Commonwealth Fin. Sys.*, 17 Pa. D. & C. 5th at 188 (emphasis added).

19. The Complaint does not provide any factual information that would allow Talen to form the issues in this matter or to even understand the action or conduct that Talen has allegedly exhibited that would form such issues in this matter, or thereby the proof at any hearing.

20. Accordingly, dismissal of the Complaint due to insufficient specificity of a pleading is warranted. Talen’s preliminary objection on this basis should be sustained.

C. Preliminary Objection III: Insufficient Standing to Participate in the Proceeding.

21. The Complaint does not allege any relationship between Complainant and Talen, much less the requisite substantial, direct, and immediate interest or concern that is required of a party to establish standing to participate in the proceeding. *See Markham*, 136 A.3d at 140.

22. Complainant has not established any harm she has experienced. Complainant has not established that she has been aggrieved. Further, Complainant has not established that she has an interest or concern in the matter that surpasses that of any other citizen.

23. The Complaint does not allege any interest or concern that Complainant has in the matter that is related to Talen. Therefore, it is impossible to even assess whether the interest or concern is substantial, direct, or immediate due to the lack of factual information and the legal insufficiency discussed above. Due to the barebones nature of the Complaint, Complainant has failed to establish any interest or concern in the matter, or an ability to participate in this proceeding.

24. The Complaint merely alleges that Complainant is concerned about data centers, without any factual information as stated above, and without any allegations concerning how Complainant has been harmed or the causal connection between any harm and any action or conduct that Talen has allegedly taken.

25. Accordingly, dismissal of the Complaint due to insufficient standing of a party to participate in the proceeding is warranted. Talen's preliminary objection on this basis should be sustained.

IV. Conclusion and Request for Relief

WHEREFORE, for all of the foregoing reasons, Talen respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted,



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Dated: December 10, 2025