

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Solomon Pratt	:	
	:	
v.	:	F-2025-3057731
	:	
PPL Electric Utilities Corporation	:	
Clearview Electric, Inc.	:	

**ORDER**  
**DENYING PRELIMINARY OBJECTIONS**

**HISTORY OF THE PROCEEDING**

On September 22, 2025, a Formal Complaint was filed with the Pennsylvania Public Utility Commission concerning electric generation supplier (“EGS”) service provided to Solomon Pratt. The Complaint alleged that Mr. Pratt’s EGS was switched from PPL Electric Utilities Corporation to Clearview Electric, Inc. without Mr. Pratt’s consent. For relief, the Complaint requests reimbursement from Clearview and/or PPL for costs of the EGS service Clearview provided “for over a year” to Mr. Pratt.<sup>1</sup>

On September 30, 2025, the Commission served the Complaint on PPL and Clearview.

On October 20, 2025, PPL filed its Answer to the Complaint. PPL denied that Mr. Pratt was enrolled with Clearview without his consent. Specifically, PPL alleged that Mr. Pratt’s son enrolled the account in question with Clearview as EGS, and that on August 6, 2025, the account was switched to PPL as EGS at Mr. Pratt’s request. PPL concluded its Answer by requesting denial of the Complaint.

---

<sup>1</sup> The Complaint concerns service to Solomon Pratt, and is signed by “Solomon Pratt” but appears to have been filed by Bradford Pratt.

On October 20, 2025, PPL filed Preliminary Objections to the Complaint, arguing that the Complaint should be dismissed pursuant to 52 Pa. Code § 5.101(a)(5), for failure to join a necessary party, i.e. Clearview.

On October 20, 2025, Clearview filed its Answer with New Matter to the Complaint. In its Answer, it denied the material allegations of the Complaint. In its New Matter, properly endorsed with a Notice to Plead, Clearview argued that the Commission lacks jurisdiction to issue refunds of EGS charges. Additionally, Clearview argued that Mr. Pratt's son does not have standing to file the Complaint on behalf of his father. No Reply was filed to Clearview's New Matter.

On December 2, 2025, the Commission issued a Motion Judge Assignment Notice assigning me as presiding officer over this proceeding.

PPL's Preliminary Objections are procedurally ready to be ruled upon. For the reasons discussed below, the Preliminary Objections will be denied.

### DISCUSSION

PPL in this matter filed Preliminary Objections 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).

PPL alleged that the Complaint should be dismissed for failure to join a necessary party, i.e., Clearview. However, as noted in the procedural history of this case, the Commission served the Complaint upon both PPL and Clearview. As Clearview is a party to this proceeding, PPL's Preliminary Objections will be denied in the Ordering paragraphs below.



**F-2025-3057731 - SOLOMON PRATT v. PPL ELECTRIC UTILITIES CORPORATION  
AND CLEARVIEW ELECTRIC, INC.**

SOLOMON PRATT  
50 CREEK LANE  
EASTON PA 18045

**610.923.8484**

**484.788.3143**

[packers7720@gmail.com](mailto:packers7720@gmail.com)

Served via Email December 11, 2025

DEVIN T. RYAN ESQUIRE  
ALICE A. WADE ESQUIRE  
HAYLEY E. WILBURN ESQUIRE  
EMILY GRECU ESQUIRE  
POST AND SCHELL PC  
ONE OXFORD CENTRE  
301 GRANT STREET, SUITE 3010  
PITTSBURGH PA 15219

**717.612.6052**

**412.506.6364**

**412.506.6362**

**412.506.6368**

**717.731.1985**

[dryan@postschell.com](mailto:dryan@postschell.com)

[alice.wade@postschell.com](mailto:alice.wade@postschell.com)

[hwilburn@postschell.com](mailto:hwilburn@postschell.com)

[egrecu@postschell.com](mailto:egrecu@postschell.com)

Served via eService December 11, 2025

*(Counsel for PPL Electric Utilities Corporation)*

BRYCE R. BEARD ESQUIRE  
DEANNE O'DELL ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
213 MARKET STREET, 8<sup>TH</sup> FLOOR  
HARRISBURG PA 17101

**717.237.6036**

**717.237.6019**

[bbeard@eckertseamans.com](mailto:bbeard@eckertseamans.com)

[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

Served via eService December 11, 2025

*(Counsel for Clearview Electric, Inc.)*