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December 22, 2025

VIA ELECTRONIC FILING

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

**RE: Brian Carnahan v. PPL Electric Utilities Corp.
File No. C-2025-3058978**

Dear Secretary Homsher:

Enclosed for filing is PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Brian Carnahan.

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**

BRIAN CARNAHAN,

Complainant,

v.

PPL ELECTRIC UTILITIES
CORPORATION,

Respondent.

Docket No. C-2025-3058978

NOTICE TO PLEAD

To: Brian Carnahan
444 North New Street
Bethlehem, PA 18018

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 Brian Carnahan must be filed within 10 days of the date of service of Respondent's Preliminary Objections.

Dated: December 22, 2025

By: 

Graig M. Schultz (I.D. No. 207123)
FITZPATRICK LENTZ & BUBBA, P.C.
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*Attorneys for Respondent:
PPL Electric Utilities Corporation*

**COMMONWEALTH OF PENNSYLVANIA
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**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S PRELIMINARY
OBJECTIONS TO THE COMPLAINT OF BRIAN CARNAHAN**

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

1. PPL Electric 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 December 2, 2025, Complainant filed a Complaint against PPL.
3. Complainant alleges that, PPL installed two new utility poles at his property on September 10, 2025. *See* Compl. at ¶ 4.
4. Complainant further alleges that PPL caused damages to his trees and sidewalk. *See id.*
5. Complainant states that he wants to hire a sidewalk contractor and an arborist to perform work at his property. *See id.* at ¶ 5.

6. Complainant requests that PPL reimburse him for the future charges that he is charged by his sidewalk contractor and arborist. *See id.*

7. Complainant further requests the Commission to direct PPL to guarantee that the old utility poles at his property will be removed on or before May 31, 2026. *See id.*

8. Complainant further requests the Commission to direct PPL to put processes in place to alert property owners when significant work is being done that affects their property. *See id.*

9. 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.

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

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

12. 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).

13. Preliminary objection practice before the Commission is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transp. Intervenor 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. Cmwlt. 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. 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.").

19. Importantly, 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).

20. In this case, Complainant alleges that he will incur future monetary damages to hire a sidewalk contractor and an arborist, and requests that the Commission direct PPL to reimburse him for these future costs. However, the Commission does not have the authority to award Complainant monetary damages. *Heffner v. PPL Elec. Util. Co.*, No. C-2016-2547516, 2017 WL 660609, at *4 (Pa. P.U.C. Jan. 17, 2017) (citing *Terminato v. Pa. National Insurance Co.*, 645 A.2d 1287 (Pa. 1994); *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold, supra*; *Ostrov v. I.F.T., Inc.*, 586 A.2d 409 (Pa. Super. 1991); and *Poorbaugh v. Pa. Pub. Util. Comm'n.*, 666 A.2d 744 (Pa. Cmwlth. 1995)).

21. Further, Complainant alleges that PPL caused damage to his property. To the extent that the Complainant is requesting that the Commission determine that PPL was negligent in performing work on Complainant's property, the Commission lacks the authority to make such a determination, *Heffner*, 2017 WL 660609, at *4 (citing *DeFrancesco v. W. Pennsylvania Water Co.*, 453 A.2d 595, 597 (Pa. 1982)).

22. Additionally, the Commission has determined that it is not the proper forum for resolving property rights controversies. Rather, such controversies are a matter for a court of general jurisdiction. *Id.* (citing *Perrige v. Metropolitan Edison Co.*, Docket No. C-00004110 (Opinion and Order entered July 3, 2003); and *Fiorillo v. PECO Energy Co.*, Docket No. C-00971088 (Opinion and Order entered September 15, 1999)).

23. To the extent that Complainant requests the Commission to determine the scope and validity of PPL's right-of-way, the Commission also lacks the authority to do so. *See Stefanoski v. Pennsylvania-Am. Water Co.*, No. C-20078219, 2008 WL 8014614, at *2 (Pa. P.U.C. Aug. 7, 2008).

24. Finally, the Commission does not have the authority to direct PPL to guarantee that the old utility poles will be removed on or before May 31, 2026, or to direct PPL how to provide notice to its customers.

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

26. As such, the Complaint should be dismissed with prejudice.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Brian Carnahan be denied and dismissed.

Dated: December 22, 2025

Respectfully submitted,

By: 

Graig M. Schultz (I.D. No. 207123)
FITZPATRICK LENTZ & BUBBA, P.C.
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*Attorneys for Respondent:
PPL Electric Utilities Corporation*

VERIFICATION

I, Robert Spampinato, being the Forester at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation 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: 12/22/2025

Robert Spampinato
Robert Spampinato (Dec 22, 2025 08:19:13 EST)

Robert Spaminato

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Respondent PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Brian Carnahan has 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

Brian Carnahan
444 North New Street
Bethlehem, PA 18018

Dated: December 22, 2025

By: 

Graig M. Schultz