

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Karen Urbisci	:	
	:	
v.	:	C-2025-3058885
	:	
PECO Energy Company	:	

ORDER
GRANTING PRELIMINARY OBJECTION

This Order grants the Preliminary Objections (“PO”) of PECO Energy Company (“Respondent”) on the ground that the Pennsylvania Public Utility Commission (“Commission”) does not have the authority to award monetary damages as a remedy. The portion of Formal Complaint (“complaint”) seeking monetary damages will be stricken/dismissed.

History of the Proceeding

On or about November 27, 2025, Karen Urbisci (“Complainant”) filed a complaint against Respondent asserting that she was having a reliability, safety or quality problem with her electric service and that she suffered financial and emotional distress based on Respondent’s actions. Complaint ¶ 4, p. 9. As relief, Complainant requests, *inter alia*, that the Pennsylvania Public Utility Commission (“Commission”) direct Respondent to compensate Complainant for damages, displacement costs, food loss and fire-related expenses. Complaint ¶ 5.

On or about December 22, 2025, Respondent filed a timely Answer and New Matter along with Preliminary Objection (“PO”) denying the material averments of the complaint and amended complaint. Specifically, Respondent denied that there is a reliability, safety or quality problem with Complainant’s service and asserted that its actions have been reasonable and performed in accordance with all applicable laws, Respondent’s approved tariff,

the Pennsylvania Public Utility Code (“Code”) and Commission regulations and orders. Answer ¶ 4.

In its New Matter, Respondent asserts that the Commission has no jurisdiction to award monetary damages or to consider implied request for reimbursement for property damage. New Matter ¶¶ 12, 15. The New Matter included a Notice to Plead that advised Complainant she had 20 days from the date of service to respond.

In its PO, Respondent argues that Complainant’s requested relief sought is an award monetary damages from Respondent. PO ¶¶ 7-8. Respondent argues that the portion of the Complaint pertaining to a request for monetary damages should be stricken as impertinent. PO ¶¶ 9-15. Specifically, Respondent avers that under Section 5.101(a)(2) of the Commission’s regulations, a request for damages constitutes impertinent matter which should be dismissed because the Commission does not have the authority to award monetary damages. *See* 52 Pa. Code § 5.101(a)(2). The PO included a notice to plead that notified Complainant she had ten days to file a reply to the PO.

Complainant failed to file a timely response or plead to the New Matter or the PO.

Respondent’s PO is now ready for disposition.

Legal Standards

Commission regulations permit the filing of preliminary objections. 52 Pa. Code § 5.101(a)(1)-(7). Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections. *Equitable Small Transp.*

Intervenors v. Equitable Gas Co., Docket No. C-00935435 (Opinion and Order entered July 18, 1994). Commission regulations provide:

§ 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 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.

52 Pa. Code § 5.101(a).

In deciding the preliminary objection, the Commission must determine whether, based on well-pleaded factual averments of the Complainant, recovery or relief is possible. *Dept. of Auditor Gen. v. State Emp's. Ret. Sys.*, 836 A.2d 1053 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the PO. *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002). All the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the PO, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Emp's. Ret. Bd.*, 690 A.2d 1312 (Pa. Cmwlth.

1997). The PO can be granted only if recovery or relief is not possible after all the Complainant's averments in the complaint are viewed as true for purposes of deciding the PO, using only those facts specifically admitted. *Roc v. Flaherty*, 527 A.2d 211 (Pa. Cmwlt. 1985).

Therefore, the primary focus is on whether, based on well-pleaded factual averments of Complainant, recovery or relief is possible. *Id.*

Disposition

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 to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. P.U.C. 196 (1990). The offense must be a violation of the Code, a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701. 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 66 Pa.C.S. § 3301 or other provisions of the Code.

In this case, Complainant alleges reliability, safety or quality problems related to service provided by Respondent. This allegation qualifies as a claim for reasonable service under 66 Pa.C.S. § 1501. As relief, Complainant requests that Respondent be directed to compensate Complainant for damages, displacement costs, food loss and fire-related expenses. Respondent's PO asserts that this request for relief equates to a request for monetary damages and it should be summarily dismissed as impertinent matter under 52 Pa. Code § 5.101(a)(2) because the Commission lacks authority to award damages.

It is well-settled that the Commission lacks jurisdiction to award damages. *Elkin v. Bell of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1977). A finding, if any, that Respondent violated a Commission Order, regulation or statute, may result in the imposition of a civil penalty consistent with 66 Pa.C.S. § 3301 or other provision of the Code. Further, it should be noted that a penalty, if any, that is imposed on Respondent is payable to the Commonwealth of Pennsylvania, not the Complainant. Thus, to the extent Complainant

requests that the Commission award monetary damages, the claim is not pertinent to Commission proceedings. *Snyder v. West Penn Power Company*, Docket No. C-2024-2451483, 2015 WL 1754585 (Pa.P.U.C.) (Apr. 7, 2015).

Thus, Respondent's PO will be granted, Complainant's request for monetary damages will be stricken/dismissed and Complainant shall be precluded from introducing any evidence related to a monetary or compensatory claim for damages.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by PECO Energy Company in the matter at *Karen Urbisci v. PECO Energy Company* at Docket No. C-2025-3058885 is granted.
2. That Karen Urbisci's request for monetary damages in the Formal Complaint filed in the matter at *Karen Urbisci v. PECO Energy Company* at Docket No. C-2025-3058885 are stricken/summarily dismissed pursuant to 52 Pa. Code § 5.101(a)(2).
3. That the matter will be scheduled for an evidentiary hearing scheduled.

Date: January 21, 2026

/s/
Chad L. Allensworth
Administrative Law Judge

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