

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Capital Area Neighbors	:	
	:	
v.	:	C-2025-3058501
	:	
PPL Electric Utilities Corporation	:	

ORDER
GRANTING, IN PART, AND DENYING, IN PART, PRELIMINARY OBJECTIONS
AND REFERRING MATTER TO OALJ'S MEDIAITON UNIT

HISTORY OF THE PROCEEDING

On November 12, 2025, Mark Santanna (“Mr. Santanna”) filed a Formal Complaint (“Complaint”) against PPL Electric Utilities Corporation (“PPL”) with the Public Utility Commission (“Commission”) on behalf of “Capital Area Neighbors.” Mr. Santanna alleged that PPL has failed to maintain its lights in downtown Harrisburg, PA, that are part of what Mr. Santanna refers to as the “Low Tension Network.” Mr. Santanna asserts that PPL’s actions, or lack thereof, have affected a neighborhood group known as the “Capital Area Neighbors” (“CAN” or “Complainant”) and that he is filing the Complaint as CAN’s president.

For relief, Mr. Santanna requested that the Commission: (1) order PPL to fix every streetlight in the downtown area of Harrisburg that are part of the “Low Tension Network”, (2) order PPL and the City of Harrisburg to enter into a management agreement or memorandum of understanding, and (3) order PPL to create an online method of reporting streetlight outages to the City of Harrisburg. Complaint ¶5.

On December 3, 2025, PPL filed an Answer with New Matter to the Complaint. PPL denied that it has failed to maintain the lights it owns in downtown Harrisburg, PA. In its New Matter, PPL asserted that CAN does not have standing to bring the Complaint, that the

Commission does not have jurisdiction over the Complaint, that the claims in the Complaint are legally insufficient, and that the Commission does not have the authority to award the requested relief in the Complaint.

Also on December 3, 2025, PPL filed Preliminary Objections to the Complaint. PPL argued that the Complaint should be dismissed, pursuant to 52 Pa. Code § 5.101(a)(7) for lack of standing. PPL also argued that the Complaint should be dismissed because CAN, as a legal entity, is not represented by an attorney in this proceeding. Lastly, PPL argued that the Complaint should be dismissed because the Commission does not have the ability to award CAN with the relief that it is requesting in the Complaint, specifically in regards to the requests that the Commission order PPL and the City of Harrisburg to enter into a management agreement or memorandum of understanding and that the Commission order PPL to create an online method of reporting streetlight outages to the City of Harrisburg.

CAN did not file an Answer to the Preliminary Objections.

On January 6, 2026, this matter was assigned to me as Presiding Officer.

For the reasons discussed below, the Preliminary Objections will be granted, in part, and denied, in part, in the Ordering paragraphs below. Further, the Complaint will be referred to the Office of Administrative Law Judge's ("OALJ") Mediation Unit.

DISCUSSION

Legal Standards

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. *Pa. State Lodge, Fraternal Order of Police v. Dept. of Conservation & Nat. Res.*, 909 A.2d 413 (Pa. Cmwlth. 2006), *aff'd*, 924 A.2d 1203 (Pa. 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. *Cnty. of Allegheny v. Commonwealth of Pa.*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pa. v. Bell Tel. 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 Transp. Intervenors v. Equitable Gas Co.*, 1994 Pa.P.U.C. LEXIS 69, Docket No. C-00935435 (July 18, 1994).

Preliminary Objection #1

In its first Preliminary Objection, PPL argued that the Complaint should be dismissed for lack of standing, pursuant to 52 Pa. Code § 5.101(a)(7). PPL argued that 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. CAN, PPL asserted, is not a customer of PPL and therefore lacks standing to bring the Complaint. I disagree.

Standing to participate in proceedings before an administrative agency is primarily within the discretion of the agency. *Pennsylvania National Gas Association v. T.W. Phillips Gas and Oil Co.*, 75 Pa. PUC 598, 603 (1991). Generally, 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. *Joint Application of Pennsylvania-American Water Co. and Evansburg Water Co. for Approval of the transfer, by sale, of the water works property and rights of Evansburg Water Co. to Pennsylvania-American Water Co.*, A 212285F0046/47 and A-210870F01 (Ordered entered July 9, 1998); *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975); *Landlord Service Bureau, Inc. v. Equitable Gas Co.*, 79 Pa. PUC 342 (1993); *Re Equitable Gas Co.*, 76 Pa. PUC 23 (1992); *Manufacturers' Association of Erie v. City of Erie - Bureau of Water*, 50 Pa. PUC 43 (1976); *Waddington v. Pennsylvania Public Utility Commission*, 670 A.2d 199 (Pa. Cmwlth. 1995), *alloc. denied*, 678 A.2d 368 (Pa. 1996) requiring a person or entity to have a direct, immediate and substantial interest in the subject matter of a proceeding helps avoid frivolous, harassing lawsuits whose costs are ultimately borne, at least in part, by utility ratepayers. *Pa. Pub. Util. Comm'n v. National Fuel Gas Distribution Corp.*, 73 Pa. PUC 552 (1990).

In order to bring a complaint before the Commission, Complainant must first demonstrate that he has standing to maintain the action. *Nye v. Erie Insurance Exchange*, 470 A.2d 98 (Pa. 1983). Complainant's interest in the subject matter of the proceeding is direct if his interest is adversely affected by the actions challenged in the Complaint, is immediate if there is a close causal nexus between his asserted injury and the actions challenged in the Complaint and is substantial if he has a discernible interest other than the general interest of all citizens in seeking compliance with the law. *Ken R. ex rel. C.R. v. Arthur Z.*, 682 A.2d 1267 (Pa. 1996); *In*

re El Rancho Grande, Inc., 437 A.2d 1150 (Pa. 1981); *William Penn Parking Garage, Inc.; Empire Coal Mining & Development, Inc. v. Department of Environmental Resources*, 623 A.2d 897 (Pa. Cmwlth. 1993). Mere conjecture about possible future harm does not confer a direct interest in the subject matter of a proceeding. *Official Court Reporters of the Court of Common Pleas of Philadelphia County v. Pennsylvania Labor Relations Board*, 467 A.2d 311 (Pa. 1983).

The Commission has held that, in general, a complainant must be respondent's customer to have standing to file a complaint about utility service. *See, Re: Pennsylvania American Water Company*, 85 Pa. PUC 548 (1995); and *Pa. Pub. Util. Comm'n v. Marietta Gravity Water Company*, 87 Pa. PUC 864 (1997). In other words, a complainant which is not a customer of a utility generally does not have the requisite substantial, direct, and immediate interest necessary to confer standing to bring the complaint about the service of that utility. *John Lavelly v. West Penn Power Company*, Docket No. C-2014-2408502 (Order entered February 12, 2015).

Accepting the allegations in the Complaint as true for purposes of disposing of the Preliminary Objections, it is not clear from a reading of the Complaint that Complainant lacks standing to pursue this Complaint. While the question of whether a complainant is a customer of a utility is germane as to standing, it is not conclusive as to standing. *See LeRoy James Watters III v. PECO Energy Company*, Docket No. C-2016-2533996 (Opinion and Order entered August 16, 2017) at 5. CAN should be given an opportunity to establish that it has standing to present and prosecute its case and to develop an evidentiary record regarding its allegations.¹

Preliminary Objection #2

¹ In *Andrew Tomko v. Duquesne Light Company*, Docket No. C-2016-2577571 (Opinion and Order entered July 20, 2017), complainant filed a complaint on behalf of 35 residents of a housing development and Plum Borough, Allegheny County, requesting that the utility build a street light on Willow Village Drive, Allegheny County. The Commission reversed in part the Initial Decision of the Administrative Law Judge, who granted the Preliminary Objections filed at the docket and dismissed the case for lack of standing and for lack of attorney representation. The Commission agreed that complainant did not have the authority to represent others, but also concluded that complainant should have the opportunity to establish that he has standing to present and prosecute his case on his own behalf and to develop an evidentiary record regarding his allegations. *Id.*

In its second Preliminary Objection, PPL argued that the Complaint should be dismissed because CAN, as a legal entity, is not represented by an attorney in this proceeding, when such representation is required. I agree that CAN is required to be represented by an attorney, however, the Complaint will not be dismissed at this time.

The Commission's regulations require that persons in adversarial proceedings be represented by an attorney or legal intern. *See* 52 Pa. Code § 1.21(b). The Commission's regulations define "persons" as including individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions. *See* 52 Pa. Code § 1.8.

The absence of an attorney where one is required deprives the Commission of jurisdiction to adjudicate the matter. *Adventure Alley CLC, LLC v. PECO Energy Co. and Great Am. Power*, Docket No. C-2014-2430850 (Final Order entered Nov. 25, 2014) (citing *McCain v. Curione, Pa. Bd. of Prob. and Parole*, 527 A.2d 591 (Pa. Cmwlth. 1987)). As such, PPL's second Preliminary Objection seeks to dismiss the Complaint pursuant to 52 Pa. Code § 5.101(a)(1), for lack of Commission jurisdiction over the Complaint.

Accepting the allegations in the Complaint as true for purposes of disposing of the Preliminary Objections, Mr. Santanna purports to represent the legal interests of CAN. Mr. Santanna lacks the legal authority to represent the interests of CAN because the Complaint does not indicate that he is an attorney licensed to practice law in the Commonwealth of Pennsylvania. While an individual may represent himself, he must be a licensed attorney in order to represent the interests of other individuals or parties. *See*, 52 Pa. Code §§ 1.8, 1.21 and 1.22. Therefore, to the extent that Mr. Santanna seeks to represent the interests of others in this formal, adversarial proceeding, Preliminary Objection #2 will be granted.

Preliminary Objection #3

Lastly, PPL argued that the Complaint should be dismissed because the Commission does not have the ability to award CAN with the relief that it is requesting in the Complaint, specifically in regards to the requests that the Commission order PPL and the City of Harrisburg to enter into a management agreement or memorandum of understanding and that the Commission order PPL to create an online method of reporting streetlight outages to the City of Harrisburg. I agree with PPL that the Commission has no authority over the City of Harrisburg.

The Public Utility Code grants the Commission the general administrative power and authority to supervise and regulate all public utilities doing business in the Commonwealth of Pennsylvania. 66 Pa.C.S. § 501(b). “Public utility” is defined in part as any person or corporation which owns or operates equipment or facilities for the producing, generating, transmitting, distribution, or furnishing electricity. 66 Pa.C.S. § 102. The City of Harrisburg is not a “public utility” as defined by the Public Utility Code. To the extent that Complainant seeks an Order from the Commission directing the City of Harrisburg to enter into a management agreement or memorandum of understanding with PPL, Preliminary Objection #3 will be granted, and that portion of the Complaint is dismissed. PPL as a public utility is subject to the Commission’s regulation and can be directed by the Commission to commit to remedial actions if found to be in violation of a Commission Order, or law that the Commission has jurisdiction to administer.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by PPL Electric Utilities Corporation on December 3, 2025, in the matter of Capital Area Neighbors v. PPL Electric Utilities Corporation, Docket No. C-2025-3058501, are granted, in part, and denied, in part, consistent with this Order.

2. That the remaining matters in the Complaint filed in the matter of Capital Area Neighbors v. PPL Electric Utilities Corporation, Docket No. C-2025-3058501, are hereby referred to the Commission's Mediation Unit for mediation review.

Date: January 28, 2026

/s/
Alphonso Arnold III
Administrative Law Judge

C-2025-3058501 - CAPITOL AREA NEIGHBORS v. PPL ELECTRIC UTILITIES CORP

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