

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Madison Mullen	:	
	:	
v.	:	C-2025-3058746
	:	
Talen Energy Marketing, LLC	:	

**INTERIM ORDER  
GRANTING PRELIMINARY OBJECTIONS IN PART AND  
DIRECTING A MORE SPECIFIC COMPLAINT**

On November 20, 2025, Madison Mullen (Complainant) filed a Formal Complaint (Complaint) against Talen Energy Marketing, LLC (Talen Energy or Respondent). Ms. Mullen alleged 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 ¶ 2. For relief, Complainant requests that the Commission “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 ¶ 5. The Complaint was served on November 21, 2025.

In lieu of an answer, Talen filed Preliminary Objections on December 10, 2025.<sup>1</sup> Talen Energy seeks dismissal of the Complaint due to legal insufficiency because the Complaint does not provide any factual or legal basis to support the allegations; insufficient specificity of the pleading because the Complainant failed to allege any action or conduct that Talen Energy has taken; and due to lack of standing because the Complainant did not allege any relationship with Talen Energy or any harm she has experienced.

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<sup>1</sup> As Talen raised a Preliminary Objection regarding insufficient specificity, it was not required to file an Answer. See 52 Pa. Code § 5.101(e)(1).

The Preliminary Objections contained a Notice to Plead. The Complainant did not file a response to the Preliminary Objections. By notice dated January 12, 2026, the Preliminary Objections were assigned to me for disposition.

This matter is now ripe for a ruling on the Preliminary Objections. For the reasons discussed below, the objection regarding insufficient specificity will be granted, and Ms. Brown will be directed to file an amended formal complaint. The remaining objections will be denied.

### DISCUSSION

In a consumer complaint against a utility or an electric generation supplier, the utility or electric generation supplier may file a preliminary objection. A preliminary objection is a challenge to a complaint or the claims made in a complaint for legal reasons. The regulations describe these legal reasons:

- (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 its Preliminary Objections, Talen Energy challenges the Complaint based on reasons (3), (4) and (7). 52 Pa. Code § 5.101(a)(3), (4), (7).

For the purpose of deciding preliminary objections, the administrative law judge will consider all of the complainant's statements in the complaint as true. *Ridge v. State Employees' Retirement Board*, 690 A.2d 1312 (Pa. Cmwlth. 1997). The administrative law judge must determine whether, based on factual statements of the complainant, recovery or relief is possible. *Dept. of Auditor General v. SERS*, 836 A.2d 1053 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996). If there is any question about the legal or factual basis for the claims in the complaint, those questions must be resolved in favor of the complainant. *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002).

#### Insufficient specificity of a pleading

The Commission's regulations require that formal complaints set forth a clear and concise statement of the act or omission being complained of, including the result of any informal complaint or informal investigation. 52 Pa. Code § 5.22(a)(5). The Commission's regulations also require that formal complaints set forth a clear and concise statement of the relief sought. 52 Pa. Code § 5.22(a)(6).

A complaint must contain sufficient specificity and information to enable a respondent to understand the charges or allegations against it and conduct a meaningful investigation of the allegations, and to offer an appropriate response. The Commission has held that a complaint filed with the Commission is adequate if it gives the respondent notice and an opportunity to defend; it need not be drawn with technical accuracy. *Green Cab Co. v. Hajducho*, 50 Pa. P.U.C. 745 (1977).

Viewing the Complaint in the light most favorable to Ms. Madison and accepting all of the factual assertions in the Complaint as true for the purposes of disposing of the Preliminary Objections, the Complaint does not contain enough information for Talen Energy to meaningfully respond or prepare a defense to the Complaint. It is not clear based on a reading of

the Complaint what action Talen Energy has committed that led to the filing of the Complaint. The relief requested in the Complaint is also not clear.

Accordingly, I will grant the objection regarding insufficiency of the pleading, in part. However, I will not grant Talen Energy's request to dismiss the Complaint.

The Commission has held that, in the normal course, where the complainant is self-represented (*pro se*), the complaint should not be dismissed without first providing a hearing where the *pro se* complainant could further explain their position and the factual basis for the complaint. *Carlock v. United Tel. Co. of Pa.*, Docket No. F-00163617 (Order entered July 14, 1993) (*Carlock*). The Commission expressed the concern that, in general, complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts.

However, due process must also be afforded to Talen Energy. In this case, this means that Talen Energy should have enough information from Ms. Madison to understand the basic facts of the Complaint and the allegations against Talen Energy.

Therefore, as further addressed below, Ms. Madison will be directed to amend her complaint.<sup>2</sup>

#### Legal insufficiency of a pleading

A formal complaint must set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” 66 Pa.C.S. § 701. The Complainant makes no specific claim as to what law that the Commission has jurisdiction to administer that Talen Energy is alleged to have violated. Likewise, Ms. Madison's requested

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<sup>2</sup> The Commission's rules of procedure permit the Commission to direct a more specific pleading. 52 Pa. Code § 5.93. *See also* 52 Pa. Code § 5.101(e).

relief does not identify what specific regulations and guidelines she wants the Commission to “enforce” to remedy the situation.

However, as I am granting the objection relating to insufficient specificity and directing Ms. Madison to file an amended complaint, I will deny the objection regarding legal insufficiency of the original Complaint. Talen Energy will have opportunity to file appropriate pleadings, including a preliminary objection based on legal insufficiency, in response to the amended complaint, if any.

#### Standing of a party to participate in the proceeding

In its final objection, Talen Energy argues that due to the “barebones” nature of the Complaint, it is “impossible to even assess whether the interest or concern is substantial, direct or immediate.” Preliminary Objection ¶ 23. Talen Energy asks for the Complaint to be dismissed for lack of standing.

I agree with Talen Energy that the Complaint does not provide enough information to determine whether the Complainant has standing to pursue this Complaint. Again, however, because I am directing Ms. Madison to file an amended complaint, I will deny the Respondent’s objection based on standing. Talen Energy will have the opportunity to file appropriate pleadings, including a preliminary objection based on lack of standing, in response to the amended complaint, if any.

#### Amended Complaint

In conclusion, I find that the information contained in the Complaint is insufficient to enable Talen Energy to meaningfully respond or prepare a defense to the Complaint. Therefore, Talen Energy’s objection concerning insufficient specificity is granted, in part. However, instead of dismissing the Complaint, as requested by Talen Energy, Ms. Madison will be directed to file an amended complaint within twenty days of service of this Order. If an amended complaint is not filed by March 3, 2026, the Complaint will be dismissed.

The amended complaint should be filed consistent with the ordering paragraphs below. The amended complaint should explain, in clear language and in as much detail as possible: (1) what her relationship is to Talen Energy; (2) what she believes Talen Energy has done wrong; (3) what statute, Commission regulation, Commission order, or tariff provision has Talen violated, if she knows; and (4) what she wants the Commission to order Talen Energy to do to remedy the situation.

The Company's objections regarding legal insufficiency and standing are denied, as they both turn on the lack of support provided in the original Complaint, and the Complainant has been directed to file an amended complaint. If an amended complaint is not filed, however, the Complaint will be dismissed.

THEREFORE,

IT IS ORDERED:

1. That Talen Energy Marketing, LLC's preliminary objection regarding insufficient specificity, in the matter of Madison Mullen v. Talen Energy Marketing, LLC, Docket No. C-2025-3050761, is granted in part and denied in part.

2. That the Respondent's preliminary objections regarding legal insufficiency and standing, in the matter of Madison Mullen v. Talen Energy Marketing, LLC, Docket No. C-2025-3058746, are denied.

3. That the Complainant, Madison Mullen, shall file an "Amendment to Formal Complaint" with the Secretary's Bureau, at Docket No. C-2025-3058746, **no later than Tuesday, March 3, 2026.**

4. That the amended formal complaint shall explain, in clear language and in as much detail as possible: (1) what the Complainant's relationship is to Talen Energy

Marketing, LLC; (2) what Ms. Madison believes Talen Energy has done wrong; (3) what statute, Commission regulation, Commission order, or tariff provision has Talen Energy violated, if she knows; and (4) what Ms. Madison wants the Commission to order Talen Energy to do to remedy the situation.

5. That, if Ms. Madison fails to file an amended formal complaint by **March 3, 2026**, the Complaint will be dismissed.

6. That the Respondent shall file any responsive pleadings within twenty (20) days of service of the amended formal complaint.

Date: February 11, 2026

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/s/  
Erin L. Gannon  
Administrative Law Judge

**C-2025-3058746 - MADISON MULLEN v. TALEN ENERGY MARKETING LLC**

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