
Hayley E. Wilburn

hwilburn@postschell.com
412-506-6362 Direct
412-227-9065 Direct Fax
File #: 217815

February 25, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Eric Epstein v. PPL Electric Utilities Corporation
Docket No. C-2026-3060289

Dear Secretary Homsher:

Enclosed please find the Preliminary Objections of PPL Electric Utilities Corporation to the Complaint of Eric Epstein for filing in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Hayley E. Wilburn

HEW/bfc
Enclosures

cc: Certificate of Service

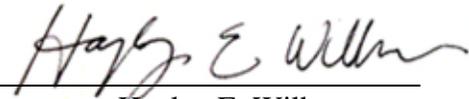
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing 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 participant).

VIA EMAIL

Eric Epstein
4100 Hillsdale Road
Harrisburg, PA 17112
epstein@efmr.org

Dated: February 25, 2026



Hayley E. Wilburn

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eric Epstein,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3060289
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR PPL ELECTRIC UTILITIES CORPORATION.

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
827 Hausman Road 18104
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com



Devin T. Ryan (ID # 316602)
Hayley E. Wilburn (ID # 336055)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com
hwilburn@postschell.com

Date: February 25, 2026

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eric Epstein,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3060289
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTION OF
PPL ELECTRIC UTILITIES CORPORATION TO THE
COMPLAINT OF ERIC EPSTEIN**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) and hereby files this Preliminary Objection, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Commission dismiss the above-captioned Formal Complaint (“Complaint”) filed by Eric Epstein (“Complainant”) in its entirety because the Complaint is legally insufficient and because the Complainant has failed to join a necessary party.

In support thereof, PPL Electric states as follows:

I. BACKGROUND

1. PPL Electric is a “public utility” and an “electric distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2803, subject to the regulatory jurisdiction of the Commission.

2. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.5 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

3. On February 5, 2026, PPL Electric was served with the above-captioned Formal Complaint filed by the Complainant.

4. In the Complaint, the Complainant states that he was solicited by Star Com, purportedly an Electric Generation Supplier (“EGS”), “to sign up for a 30% guaranteed rate reduction from PPL.” (Complaint ¶ 4.)

5. The Complainant requests that the Commission “investigate, promulgate a cease and desist order, and mandate the return of monies obtained via scam,” and encourages the assessment of a punitive fine. (Complaint ¶ 5.)

6. The only averment contained within Paragraph 4 of the Complaint is in regards to the actions of Star Com, a purported EGS. (Complaint ¶ 4.)

7. Nothing in the Complaint alleges any unlawful conduct on the part of PPL Electric, either by violating its Commission-approved tariff, the Commission’s regulations, a Commission order, or the Public Utility Code.

8. PPL Electric herein files this Preliminary Objection to the Complaint. For the reasons explained below, PPL Electric respectfully requests that the Commission summarily dismiss the Complaint because: (1) the Complaint is legally insufficient because the Complainant failed to allege unlawful conduct by PPL Electric and (2) the Complainant failed to join a necessary party to the instant Complaint.

II. STANDARD OF REVIEW

9. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (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) (emphasis added).

10. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlt.*, 910 A.2d 775, 781 (Pa. Cmwlt. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlt. 2005)). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlt. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

11. In addition, the Presiding Officer must determine whether, based on the factual pleadings, recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlt. 1987).

Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTIONS

A. PRELIMINARY OBJECTION NO. 1 – THE COMPLAINT IS LEGALLY INSUFFICIENT BECAUSE THE COMPLAINANT FAILED TO ALLEGE UNLAWFUL CONDUCT PPL ELECTRIC

12. PPL Electric incorporates by reference Paragraphs 1 through 11 as if fully set forth herein.

13. A complaint is legally insufficient where the complaint does not allege a violation of the Public Utility Code, the Commission’s regulations, a Commission order, or the utility’s Commission-approved tariff. *See* Pa. C.S. § 701; *see also Nixon v. West Penn Power Co.*, 2012 Pa. PUC LEXIS 923, Docket No. C-2011-2270951 (Initial Decision issued May 29, 2012), *became final without further Commission action* (Final Order entered July 17, 2012).

14. Moreover, a Complaint is legally insufficient when it appears to list the wrong respondent. *See Stabley v. Philadelphia Gas Works*, 2010 Pa. PUC LEXIS 231, Docket No. F-2010-2186368 (Initial Decision issued July 29, 2010), *become final without further Commission action* (Final Order entered Oct. 1, 2010).

15. As a matter of law, the Complainant must show that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196, 1990 Pa. PUC LEXIS 19, at *8 (Order entered Feb. 8, 1990) (citing *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976)).

16. When “the Complaint fails to state a claim against the named respondent upon which the Commission may grant relief,” the Complaint is “insufficient as to substance,” and the “Respondent is entitled to judgment as a matter of law.” *Stabley v. Phila. Gas Works*, Docket No. F-2010-2186368, 2010 Pa. PUC LEXIS 231, at *6 (July 29, 2010) (Initial Decision), *adopted*

without modification, (Order entered Oct. 1, 2010); *see Coggins v. UGI Cent. Penn Gas Inc.*, Docket No. C-2012-2312796, 2012 Pa. PUC LEXIS 1497 (Sept. 10, 2012) (Initial Decision), *adopted without modification*, (Order entered Nov. 9, 2012).

17. Here, the Complaint does not allege any facts related to PPL Electric. Rather, the sole allegations in the Complaint are related to the marketing practices of a purported EGS, “Star Com.” (Complaint ¶ 4.)

18. The Complainant did not list Star Com as a respondent. (*See* Complaint ¶ 2.)

19. PPL Electric is not a party to the alleged third-party contacts between the Complainant and the EGS in question.

20. Therefore, the Complaint is legally insufficient as against PPL Electric because the Complainant appears to have listed the wrong respondent, and because it states no claim upon which the Commission may grant relief.

21. Accordingly, the Complaint should be dismissed in its entirety and with prejudice as against PPL Electric pursuant to 52 Pa. Code § 5.101(a)(4).

B. PRELIMINARY OBJECTION NO. 2 – THE COMPLAINT IS LEGALLY INSUFFICIENT BECAUSE THE COMPLAINANT FAILED TO ALLEGE UNLAWFUL CONDUCT PPL ELECTRIC

22. PPL Electric incorporates by reference Paragraphs 1 through 20 as though fully set forth herein.

23. Under Pennsylvania law, “a necessary party is one whose presence, while not indispensable, is essential if the court is to resolve completely a controversy and to render complete relief.” *Pa. Human Relations Comm’n v. Phila. Sch. Dist.*, 651 A.2d 177 (Pa. Cmwlth. 1993) (citation omitted).

24. Here, Star Com is a necessary party to this proceeding, given the Complainant’s allegations and requested relief.

25. The averments contained within the Complaint solely concern a purported EGS, “Star Com.” (Complaint ¶ 4.) Specifically, the Complainant alleges that he was solicited by Star Com on two separate occasions.

26. As relief, the Complainant requests a Commission investigation, promulgation of a cease and desist order, and a Commission mandate that money obtained via scam be returned. (Complaint ¶ 5.)

27. However, the Complainant failed to name Star Com as a respondent in the Complaint. (*See* Complaint ¶ 2.)

28. Therefore, the Commission’s determination in this case could affect Star Com because it is the entity which the Complainant avers engaged in solicitation, and the entity which the Complainant appears to seek relief against. (Complaint ¶¶ 4-5.)

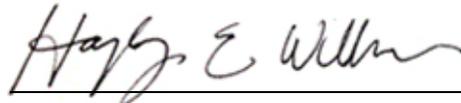
29. As such, without Star Com, the Commission cannot resolve the dispute or award relief concerning the solicitation which the Complainant avers Star Com engaged in.

30. Based on the foregoing, the Complainant has failed to join a necessary party, *i.e.*, Star Com, in this proceeding. Therefore, the Complaint should be dismissed pursuant to 52 Pa. Code § 5.101(a)(5).

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the above-captioned Formal Complaint filed by Eric Epstein be dismissed in its entirety pursuant 52 Pa. Code § 5.101(a)(4) and (a)(5).

Respectfully submitted,



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
827 Hausman Road 18104
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

Devin T. Ryan (ID # 316602)
Hayley E. Wilburn (ID # 336055)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com
hwilburn@postschell.com

Date: February 25, 2026

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, DONNA E. WEBSTER, being a Lead CS Operations Specialist 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.

February 25, 2026

Donna E Webster