

March 4, 2026

Via Electronic Filing

Matthew Homsher, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2026-3060468
Rick Koven v. PECO Energy Company
Preliminary Objections of PECO**

Dear Secretary Homsher:

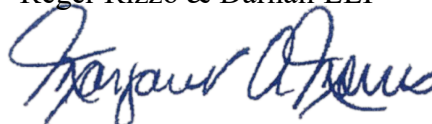
Attached for filing is the Preliminary Objections of PECO Energy Company (Respondent) to the Complaint filed by Rick Koven (Complainant) in the above-referenced proceeding.

A copy of the Preliminary Objections has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: Anthony Gay, Esquire, PECO Energy Company [w/encls.]
Rick Koven [w/encls.]

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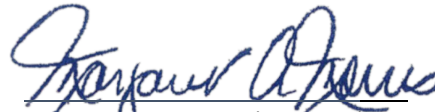
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic and First-Class Mail

Rick Koven
903 Parkview Drive
Apt. A312
King of Prussia, PA 19406-1018
rkmailrk1@yahoo.com

Dated: March 4, 2026


Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICK KOVEN

v.

PECO ENERGY COMPANY

:
:
:
:
:

Docket No. C-2026-3060468

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that if you do not file a written response answering the enclosed Preliminary Objections of PECO Energy Company within ten (10) days from service of this notice, the facts set forth by PECO Energy Company in the Preliminary Objections may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Margaret A. Morris, Esq., and where applicable, the Administrative Law Judge presiding over the issue.

File by Mail or e-filing with:

Matthew Homsher, Esquire
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

With a copy to:

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Date: March 4, 2026



Margaret A. Morris, Esquire
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Counsel for PECO Energy Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICK KOVEN	:	
	:	
v.	:	Docket No. C-2026-3060468
	:	
PECO ENERGY COMPANY	:	

**PRELIMINARY OBJECTION OF PECO ENERGY COMPANY
TO THE FORMAL COMPLAINT OF RICK KOVEN**

PECO Energy Company (Respondent or PECO), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.101(a)(1), hereby files its Preliminary Objection to the Formal Complaint of Rick Kiven (Complainant) filed in the above-captioned proceeding. Pursuant to 52 Pa. Code § 5.62 and 5.101(d) of the Pennsylvania Public Utility Commission’s (Commission) regulations, PECO also filed its Answer and New Matter to the Formal Complaint on this same date. In support of its preliminary objection, the Respondent states as follows:

I. INTRODUCTION

1. PECO Energy Company is a gas and electric distribution company certificated by the Pennsylvania Public Utility Commission (PUC) as a public utility permitted to operate within the Commonwealth of Pennsylvania.

2. The Complainant filed a Formal Complaint alleging violations related to service in his name to 903 Parkview Drive, Unit #A312, King of Prussia, Pennsylvania (Service Address). Complaint at ¶ 1.

3. The Complainant is not a customer of PECO nor an applicant for service within PECO’s service territory.

4. The Complainant attached to the Formal Complaint the electric bill, in his name, with a due date of September 1, 2025, issued by The Lafayette At Valley Forge Apartments

II. STANDARDS FOR PRELIMINARY OBJECTIONS

5. The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code § 5.101(a) 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.

6. Commission practice is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

7. 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. *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa.Cmwlt. 1988).

8. However, the Commission 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. Cmwlth. 2007).

9. In deciding the preliminary objections, the Commission must determine whether, based on the well-pleaded factual averments of the party, recovery or relief is possible. *Department of Auditor General, et al. v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Commission*, 669 A.2d 1105 (Pa. Cmwlth. 1996).

10. The Commission is authorized to dismiss a complaint if a hearing is not necessary. 52 Pa. Code § 5.21(d).

11. If there exists no factual issue pertinent to the resolution of a case, a hearing is unnecessary.

12. The Commission has recognized that the public interest is prejudiced by the wasteful use of the agency's and the company's time and resources in addressing a complaint. See, e.g., *Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995), see also, e.g., *Charles Nichols III v. Bell Atlantic-Pennsylvania*, Docket No. C-00956667 (Order entered August 4, 1995).

III. PRELIMINARY OBJECTION OF PECO

13. The Complainant is not a customer nor an applicant for service within PECO's service territory. PECO does not provide residential electric service to the Service Address.

14. The Lafayette at Valley Forge Apartments provides service in the Complainant's name to the Serviced Address.

15. Section 5.101(a)(1) of the Commission's regulations permits a party to file a preliminary objection based on the lack of Commission jurisdiction. 52 Pa. Code § 5.101(a)(1).

16. To act on the Complaint, the Commission must have jurisdiction over the subject matter. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992), *alloc. den.*, 637 A.2d 293 (Pa. 1993).

17. The Commission, as a creation of the General Assembly, has only the power and authority granted to it by the General Assembly contained in the Public Utility Code. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

18. As such, the Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945).

19. A party to the proceeding may not create jurisdiction where jurisdiction does not exist. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

20. The instant Formal Complaint alleges service issues not provided by PECO.

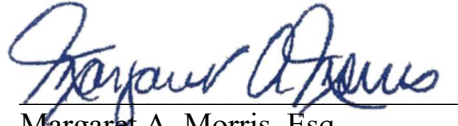
IV. CONCLUSION

The Complainant has filed against the wrong party. The Formal Complaint raises allegations regarding the service/billing provided by The Lafayette at Valley Forge Apartments, not PECO.

WHEREFORE, Respondents, PECO Energy Company respectfully requests that the Commission sustain this Preliminary Objection and dismiss, with prejudice, the Formal Complaint filed by Rick Koven for lack of jurisdiction.

Respectfully submitted,

Dated: March 4, 2026



Margaret A. Morris, Esq.

Attorney I.D. # 75045

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