

**FL&B**

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March 4, 2026

**VIA ELECTRONIC FILING**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor North  
Harrisburg, PA 17105-3265

**RE: Mark A. Sanchez v. PPL Electric Utilities Corp.  
File No. C-2026-3060453**

Dear Secretary Homsher:

Enclosed for filing is PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Mark A. Sanchez.

Copies of the aforesaid Preliminary Objections are being provided as indicated on the Certificate of Service.

Respectfully submitted,



GRAIG M. SCHULTZ

Enclosure

cc: Certificate of Service

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARK A. SANCHEZ,

Complainant,

v.

PPL ELECTRIC UTILITIES  
CORPORATION,

Respondent.

Docket No. C-2026-3060453

**NOTICE TO PLEAD**

To: Mark A. Sanchez  
502 Gravel Pond Road  
Clarks Summit, PA 18411

Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that an answer to Respondent PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Mark A. Sanchez must be filed within 10 days of the date of service of Respondent's Preliminary Objections.

Dated: March 4, 2026

By: \_\_\_\_\_



Graig M. Schultz (I.D. No. 207123)  
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*Attorneys for Respondent:  
PPL Electric Utilities Corporation*

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Docket No. C-2026-3060453

**RESPONDENT PPL ELECTRIC UTILITIES CORPORATION'S PRELIMINARY  
OBJECTIONS TO THE COMPLAINT OF MARK A. SANCHEZ**

Respondent PPL Electric Utilities Corporation ("PPL Electric" and/or "Respondent"), by and through its counsel, Fitzpatrick Lentz & Bubba, P.C., hereby objects to the Complaint of Mark A. Sanchez ("Complainant") as follows:

1. PPL Electric hereby incorporates the averments set forth in its Answer to the Complaint with New Matter which has been contemporaneously filed in the above-captioned matter as if fully set forth herein.

2. On or about February 12, 2026, Complainant filed a Complaint against PPL Electric.

3. Complainant alleges that:

PPL Electric Utilities maintains multiple poles on my property at 502 Gravel Pond Road, Parcel 0990202000101. I initiated this complaint after reviewing county records and confirming that no recorded easements exist on my parcel for multiple poles currently maintained by PPL. That absence of documentation led me to seek clarification from the company. PPL acknowledged it cannot locate an agreement for the original 1949 installation. No corrective action has been taken.

Compl. at ¶ 4.

4. Complainant requests that “the Commission review whether PPL is maintaining facilities on private property without recorded authority or proper notice and require corrective action to bring the matter into compliance.” *Id.* at ¶ 5.

5. The Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission (the “Commission”) provide for the filing of preliminary objections. *See* 52 Pa. Code § 5.101.

6. Preliminary objections are properly filed when the Commission lacks jurisdiction over a complainant’s claims. 52 Pa. Code § 5.101(a)(1).

7. Preliminary Objections are also properly filed by a respondent when the complaint is legally insufficient. 52 Pa. Code § 5.101(a)(4).

8. The provision at 52 Pa. Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. *See Lehigh Valley Power Comm. v. Pennsylvania Pub. Util. Comm’n*, 563 A.2d 557, 564 (Pa. Cmwlth. 1989).

9. Preliminary objection practice before the Commission is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, No. C-00935435, 1994 WL 932315, at \*1 (Pa. P.U.C. July 18, 1994) (citation omitted).

10. Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. *Interstate Traveller Servs., Inc. v. Com., Dep’t of Env’t Res.*, 406 A.2d 1020, 1022 (Pa. 1979) (citing *Baker v. Brennan*, 213 A.2d 362 (Pa. 1965)). The Commission follows this standard. *Montague v. Philadelphia Elec. Co.*, No. C-871540, 0088 WL 1534888 (Pa. P.U.C. Jan. 6, 1988).

11. Additionally, 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. *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602, 604 (Pa. Cmwlth. 1988).

12. Given this, 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. *Moses v. Philadelphia Gas Works*, No. C-2017-2635927, 2018 WL 937080, at \*2 (Pa. P.U.C. Feb. 5, 2018) (citations omitted).

13. The Commission regulations state that a person may file a formal complaint claiming a violation of a statute that the Commission has jurisdiction to Administer. *See* 52 Pa. Code § 5.21(a) (in order to be legally sufficient, a complaint must set forth “...an act done or omitted to be done by a person subject to the jurisdiction of the Commission, in violation, or claimed violation of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission...”).

14. Additionally, the Commission regulations authorize the Commission to dismiss a complaint if a hearing is not necessary and authorizes preliminary objections to be filed in response to a complaint. 52 Pa. Code § 5.21(d). *See also* 66 Pa.C.S. § 703(b) (“The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.”).

15. Importantly, the commission does not have jurisdiction to adjudicate every dispute that involves a utility. More specifically, the Commission is a creature of statute and may exercise only those powers that are expressly conferred upon it by the Legislature. *Feingold v. Bell of Pennsylvania*, 383 A.2d 791, 794 (Pa. 1978) (citations omitted).

16. In this case, Complainant raises claims regarding PPL Electric's distribution poles on his property and asks the Commission to determine whether PPL Electric's has the right to maintain its distribution poles on Complainant's property. Clearly, Complainant is requesting that the Commission resolve a controversy involving his and PPL Electric's property rights.

17. However, the Commission has determined that it is not the proper forum for resolving property rights controversies. Rather, such controversies are a matter for a court of general jurisdiction. *Heffner v. PPL Elec. Util. Corp.*, No. C-2016-2547516, 2017 WL 660609, \*13 (Pa. P.U.C. Jan. 17, 2017) ("The Commission lacks jurisdiction to resolve property rights controversies."); *Nicholas v. Peoples TWP, LLC*, No. C-2015-2495488, 2015 WL 6575622, at \*5 (Pa. P.U.C. Oct. 15, 2015) ("...the Commission lacks jurisdiction to determine the validity of [an] easement. The Commission has also held that it lacked jurisdiction to determine prescriptive easements....Such determinations are solely within the jurisdiction of the courts, not the Commission."); *Perrige v. Metro. Edison Co.*, No. C-00004110, 2003 WL 21916400, (Pa. P.U.C. July 3, 2003) ("...we lack subject matter jurisdiction to make a determination involving substantive property rights."); *Fiorillo v. PECO Energy Co.*, No. C-00971088, 1999 WL 33592799 (Pa. P.U.C. Sept. 15, 1999) ("We have clearly stated in prior decisions that the Commission is without subject matter jurisdiction to adjudicate questions involving trespass and whether or not utility facilities are located pursuant to valid easements or right-of-way. These issues deal with the

proper use of real property. Such actions are within the exclusive jurisdiction of the Courts of Common Pleas of the Commonwealth.”).

18. Based upon all the foregoing reasons, the Commission cannot adjudicate PPL Electric’s property rights as they pertain to its distribution poles on Complainant’s property, or award the relief sought by Complainant.

19. As such, the Complaint should be dismissed with prejudice.

**WHEREFORE**, PPL Electric Utilities Corporation respectfully requests that the Complaint of Mark A. Sanchez be denied and dismissed.

Dated: March 4, 2026

Respectfully submitted,

By: \_\_\_\_\_



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Respondent PPL Electric Utilities Corporation's Preliminary Objections to the Complaint of Mark A. Sanchez 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 party.

**Via First-Class Mail & Email**

Mark A. Sanchez  
502 Gravel Pond Road  
Clarks Summit, PA 18411  
[marka.sanchez@outlook.com](mailto:marka.sanchez@outlook.com)

Dated: March 4, 2026

By: \_\_\_\_\_

  
Graig M. Schultz