

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sandra Bush	:	
	:	
v.	:	C-2026-3059720
	:	
PPL Electric Utilities Corporation	:	

**ORDER**  
**GRANTING PRELIMINARY OBJECTION AND**  
**SCHEDULING HEARING**

On January 12, 2026, Sandra Bush (Ms. Bush or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL or Company). In her Complaint, Ms. Bush states that she is having a reliability, safety or quality problem with her utility service. Specifically, Ms. Bush avers that, since she purchased her home on November 19, 2023, there have been a total of 34 power outages, causing over \$12,900 in damages. Ms. Bush states that 72% of outages were from blown fuses, and outages from downed trees could have been avoided if PPL had removed trees and limbs. Additionally, Ms. Bush questions why her bill includes transmission, generation, delivery, customer, system improvement, and smart meter charges. As relief, Ms. Bush requests that, due to the alleged amount of damage PPL has done to her home and belongings from 2025, she should not have to pay for electric in 2026.

On February 2, 2026, PPL Electric Utilities Corporation (PPL or Company) filed an Answer and New Matter to the Complaint. In its Answer, PPL denied that the Complainant is experiencing a reliability, safety or quality problem with her utility service. PPL denied that Complainant has experienced 34 power outages since November 19, 2023. PPL avers that Company records indicate that Complainant’s service address has experienced 14 extended service outages and 27 momentary service outages since November 19, 2023. PPL further avers that approximately 92.8% of extended outages and 48% of momentary outages experienced by

Complainant since November 19, 2023, have occurred during periods of weather. PPL denies Complainant's characterization of the Company's vegetation management practices. PPL denies that the charges contested by Complainant should not be included in the Complainant's bill. In its New Matter, which included a Notice to Plead, PPL avers that it has complied with its Commission-approved tariff regarding delivery charges, generation charges, customer charges, the Distribution System Improvement Charge (DSIC) and the Smart Meter Rider (SMR), and that such tariff remains just and reasonable. PPL also avers that Complainant previously made averments regarding property damage suffered as a result of power quality issues.

Also on February 2, 2026, PPL filed a Preliminary Objection to the Complaint. In its Preliminary Objection, which included a Notice to Plead, PPL avers that, per 52 Pa. Code § 5.101(a)(2), Complainant's request for damages is impertinent matter because the Commission lacks the authority to award damages. PPL asserts that the portion of the Complainant requesting damages should be dismissed because the Commission cannot award damages.

On February 13, 2026, Ms. Bush filed a reply to PPL's New Matter, maintaining that she contests PPL's transmission charges, delivery charges, generation charges, customer charges, DSIC, and SMR.

On March 5, 2026, the Commission issued a Motion Judge Assignment Notice, assigning me to this proceeding.

PPL's Preliminary Objection is now ready for disposition, and it will be granted as stated below. The request for money damages will be stricken from the Complaint. Further, Complainant will be prohibited from introducing at an evidentiary hearing any testimony or exhibits for the purpose of recouping alleged monetary damages.

Section 5.101 of the Commission's Rules of Administrative Practice and Procedure provides for the filing of preliminary objections. 52 Pa. Code § 5.101. Commission preliminary objection practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas*

*Company*, 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994) (*Equitable*).  
Section 5.101(a) provides:

(a) *Grounds*. Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

- (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 a proceeding.

52 Pa. Code § 5.101(a)(1)-(7).

For purposes of disposing of preliminary objections, the Commission must accept as true all well pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts. *Cnty. of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (Pa. 1985); *Commw. of Pa. v. Bell Telephone 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 Mr. O'Donnell and should dismiss the complaint only if it appears that Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable, supra*; see also, *Interstate Traveler Services, Inc. v. Commw., Dept. of Env't Res.*, 406 A.2d 1020 (Pa. 1979).

In this case, Ms. Bush requests that, due to the alleged amount of damage PPL has done to her home and belongings from 2025, she should not have to pay for electric in 2026. PPL's Preliminary Objection will be granted because, even when accepting as true all well pleaded material facts, as well as every reasonable inference from those facts, and viewing the Complaint in the light most favorable to the Complainant, it is clear that the Commission lacks jurisdiction to award monetary damages.

It is well settled that the Commission may not exceed its jurisdiction and must act within it. *City of Pittsburgh v. Pa. Pub. Util. Comm'n.*, 43 A.2d 348 (Pa. Super 1945). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy. *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa. Cmwlth 1992). As a creation of the legislature, the Commission possesses only the authority that the state legislature has specifically granted to it in the Public Utility Code. 66 Pa. C.S. §§ 101, *et seq.* Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. *Feingold v. Bell*, 383 A.2d 791 (Pa. 1977). The statutory array of Commission remedial and enforcement powers does not include the power to award damages to a private litigant for breach of contract by a public utility. *Id.* at 794.

As a result, to the extent the Complainant requests that the Commission award monetary damages, such a claim may be appropriate for a Court of Common Pleas but is impertinent to this proceeding. PPL's Preliminary Objection will be granted regarding Complainant's request for monetary damages. When accepting as true all well pleaded material facts in the Complaint, as well as every reasonable inference from those facts, and viewing the Complaint in this case in the light most favorable to the Complainant, it is clear that the Complainant is not entitled to monetary damages from this Commission under any circumstances as a matter of law. Complainant's request for monetary damages will be stricken from the Complaint because it is an impertinent matter. 52 Pa. Code § 5.101(a)(2).

Because Complainant's request for monetary damages has been stricken from the Complaint, to the extent the Complainant intends to introduce at an evidentiary hearing

testimony or exhibits for the purpose of recouping alleged monetary damages, such testimony or exhibits will be prohibited. However, the Complaint is not dismissed in its entirety and Complainant is not prohibited from introducing testimony or exhibits if introduced only for the purpose of addressing any issues that are under the Commission's jurisdiction. This could include the issue of whether PPL is furnishing and maintaining adequate, efficient, safe, and reasonable service and facilities. If it is found that PPL is not meeting such obligations, they may be subject to a civil penalty. Therefore, the Complaint filed by the Complainant may proceed to a hearing for the adjudication of issues raised in the Complaint over which the Commission does have jurisdiction to hear.

However, as set forth in this Order, Complainant will be precluded from raising any arguments during a hearing that the Commission does not have jurisdiction over, e.g., monetary damages, and under no circumstances will any possible remedy include monetary damages to be awarded to Complainant. Additionally, Complainant is advised that to sustain your burden of proof at hearing, you must demonstrate by a preponderance of the evidence that PPL has violated the Public Utility Code, a Commission order or regulation or a Commission-approved Company tariff. In addition, all orders of the Commission must be supported by substantial evidence. This is a different standard than that used in addressing PPL's Preliminary Objection.

Ms. Bush's Complaint will now be scheduled for a telephonic evidentiary hearing on April 29, 2026, starting at 10:00 a.m., and a hearing notice will be issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by PPL Electric Utilities Corporation at Docket Number C-2026-3059720 on February 2, 2026 is hereby granted.

2. That the request for monetary damages contained in the Formal Complaint filed by Sandra Bush at Docket Number C-2026-3059720 is stricken.

3. That the Formal Complaint filed by Sandra Bush at Docket Number C-2026-3059720 will proceed to a hearing to be held on Wednesday, April 29, 2026 beginning at 10:00 a.m. To participate in the hearing on April 29, 2026, parties must call 888-456-5124 and enter passcode 9563241 when prompted.

4. That, at an evidentiary hearing, introduction of testimony or exhibits for the purpose of recouping alleged monetary damages is prohibited.

Date: March 20, 2026

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/s/  
John M. Coogan  
Administrative Law Judge

**C-2026-3059720 - SANDRA BUSH v. PPL ELECTRIC UTILITIES CORPORATION**

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*(Attorneys for PPL Electric Utilities Corporation)*