

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eric Epstein	:	
	:	
v.	:	C-2026-3060289
	:	
PPL Electric Utilities Corporation	:	

INTERIM ORDER ON PRELIMINARY OBJECTION

This interim order holds Respondent’s preliminary objection in abeyance pending a prehearing conference, where Complainant will be afforded the opportunity to explain the complaint on the record.

Procedural Background

On January 29, 2026, Eric Epstein (“Complainant”) filed a Formal Complaint (“complaint”) against PPL Electric Utilities Corporation (“PPL”). Complainant alleges that “Star Com” solicited him to sign up for a 30% guaranteed rate reduction from PPL. Complaint ¶ 4. It appears that there may be additional averments in the complaint that may be missing as it ends with, “I received a marketing call today at 9:30 from.” Complaint ¶ 4.

On February 25, 2026, PPL filed an answer to the complaint wherein it denied the material averments in the complaint. Specifically, PPL asserted that it is not a party to the alleged third-party contacts between Complainant and Complainant’s purported electric generation supplier “Star Com”. Answer ¶ 4.

Also, on February 25, 2026, PPL filed a preliminary objection (“PO”) that was properly accompanied by a notice to plead. PPL asserted the complaint is legally insufficient because it fails to allege unlawful conduct by PPL and Complainant failed to join a necessary party.

PPL's certificate of service indicates that the answer and preliminary objection were eServed to the email address Complainant registered with the Commission. Complainant did not file a response to the preliminary objection.

Legal Standards

Section 701 of the Code, 66 Pa.C.S. § 701, provides that any person may complain, in writing, about any 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 the jurisdiction to administer, or of any regulation or order of the Commission.

Commission regulations permit the filing of preliminary objections. 52 Pa. Code § 5.101(a)(1)-(7). Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections. *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994). Commission regulations provide:

§ 5.101. Preliminary objections.

(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 the proceeding.

52 Pa. Code § 5.101(a).

In deciding the preliminary objection, the Commission must determine whether, based on well-pleaded factual averments of the Complainant, recovery or relief is possible. *Dept. of Auditor Gen. v. State Emp's. Ret. Sys.*, 836 A.2d 1053 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the PO. *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002). All the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the PO, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Emp's. Ret. Bd.*, 690 A.2d 1312 (Pa. Cmwlth. 1997). The PO can be granted only if recovery or relief is not possible after all the Complainant's averments in the complaint are viewed as true for purposes of deciding the PO, using only those facts specifically admitted. *Roc v. Flaherty*, 527 A.2d 211 (Pa. Cmwlth. 1985).

Disposition

PPL argues that Complainant's claims are not against PPL. It is not clear from the complaint whether Complainant is alleging any unlawful conduct or seeking a remedy against PPL because the complaint itself appears to be incomplete. I am mindful that Complainant is self-represented. On the other hand, PPL must have an opportunity to understand and respond in a meaningful way to the complaint.

The Commission's rules of procedure permit the Commission to direct a more specific pleading. 52 Pa. Code § 5.93. Also, the Commission has expressed the concern that, in general, complainants may find it difficult to navigate pre-hearing motions and should be given the chance to orally describe their basic issues. *Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993) ("in many cases unrepresented

complainants can explain their dispute orally much better than they can communicate their grievance in written form”).

Therefore, I will hold the preliminary objection in abeyance, pending a prehearing conference. At the prehearing conference, Complainant will have the opportunity to explain his claims orally. To be clear, no testimony will be taken. The purpose of the pre-hearing conference is to clarify and define the issues and potentially identify a necessary party.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the preliminary objection filed by PPL Electric Utilities Corporation in the case captioned *Eric Epstein v. PPL Electric Utilities Corporation* at Docket No. C-2026-3060289 is held in abeyance.

2. That the matter of *Eric Epstein v. PPL Electric Utilities Corporation* at Docket No. C-2026-3060289 shall be set for a telephonic prehearing conference.

Dated: March 31, 2026

_____/s/
Chad L. Allensworth
Administrative Law Judge

C-2026-3060289 - ERIC EPSTEIN v. PPL ELECTRIC UTILITIES CORPORATION

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Served via email and eService March 31, 2026

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