

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chirag Batra	:	
	:	
v.	:	C-2026-3060946
	:	
PPL Electric Utilities Corporation	:	

INTERIM ORDER DENYING PRELIMINARY OBJECTIONS

INTRODUCTION

This Interim Order denies the Preliminary Objections of PPL Electric Utilities Corporation and refers the proceeding to the Mediation Unit of the Office of Administrative Law Judge.

HISTORY OF THE PROCEEDING

On March 9, 2026, Chirag Batra (Complainant or Mr. Batra) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL or Respondent) and checked the box “other” alleging that the utility proposes to install a utility pole on or adjacent to his residential property. Complaint ¶ 4.

As relief, the Complainant requests that the Commission do the following:

- (1) Investigate the proposed installation of a utility pole on or adjacent to Complainant’s property;
- (2) Require PPL to evaluate reasonable alternatives that avoid unnecessary impact to Complainant’s property;
- (3) Direct PPL to suspend installation until the Commission has had opportunity to review the Complaint; and

- (4) Grant any additional relief the Commission deems necessary to protect the property rights of the Complainant.
- (5)

Complaint ¶ 5.

On March 30, 2026, PPL filed an Answer accompanied by a Notice to Plead. In its Answer, PGW denied all material allegations of fact and conclusions of law in the Complaint. Answer ¶ 4 PPL requested that the Complaint be denied in its entirety, with prejudice.

Also on March 30, 2026, PPL filed Preliminary Objections in which it sought to dismiss the Complaint on the grounds that the Commission lacks jurisdiction over real property claims.

Pursuant to 52 Pa. Code § 5.101(f)(1), Complainant had ten (10) days from the date of service to file an answer to the Preliminary Objections and on April 6, 2026, Complainant filed an Answer to Respondent's Preliminary Objections. Complainant argues that he has an interest in unnecessary impact on his property.

By Motion Judge Assignment Notice dated April 14, 2026, the Preliminary Objections were assigned to me for disposition.

PPL's Preliminary Objections are ready for disposition.

DISCUSSION

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 Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (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.

In deciding preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible. *Dep't of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053, 1064 (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 preliminary objections. *Boyd v. Ward*, 802 A.2d 705 (Pa.Cmwlth. 2002). All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Employees' Retirement Bd.*, 690 A.2d 1312 (Pa.Cmwlth. 1997).

A preliminary objection can be granted only if recovery or relief is not possible after all of the Complainant's averments in the complaint are viewed as true for purposes of deciding the preliminary objection, using only those facts specifically admitted.

As a creature of legislation, the Commission possesses only the authority the State Legislature has specifically granted to it in the Public Utility Code (the 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 of Pa.*, 383 A.2d 1191 (Pa. 1977); *Allegheny County Port Authority v. Pa. P.U.C.*, 237 A.2d 602 (Pa. 1967); *Behrend v. Bell of PA*, 390 A.2d 233 (Pa. Super. 1978); *Pa. Department of Highways v. Pa. P.U.C.*, 182 A.2d 267 (Pa. Super. 1962); *City of Erie v. Pa. Electric Co.*, 383 A.2d 575 (Pa.Cmwlth. 1978).

The Commission has noted its limited jurisdiction when an easement is involved. In *In Re: Lou Amati/Amati Service Station v. West Penn Power Co. and Bell Atlantic-Pennsylvania, Inc.*, Docket No. C-00945842 (October 25, 1996) (*Amati*), the Commission concluded it had no jurisdiction over substantive determinations of property rights and easements. In *Messina v. Bell Atlantic-Pennsylvania, Inc.*, 1998 Pa. PUC LEXIS 190, C-00968225 (September 23, 1998), the Commission reached a different conclusion based on distinguishing facts, noting the controversy therein centered on whether a right-of-way agreement existed, in contrast to the scenario in *Amati* where a valid easement or right of-way was demonstrated but the scope of its use was challenged.

To the extent that the Mr. Batra's Complaint against PPL alleges real property rights and seeks relief based upon the property boundaries at issue, it will be dismissed.

However, in *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F 00163617 (Order entered July 14, 1993), the Commission held that, in the normal course, the Commission would not dismiss a complaint of a self-represented person without first providing a hearing during which the self-represented complainant could further explain their

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CHIRAG BATRA
4770 CURLY HORSE DRIVE
CENTER VALLEY PA 18034
978.905.1976
batrachirag@gmail.com
Served via eService April 28, 2026

EMILY S. GRECU ESQUIRE
DEVIN T. RYAN ESQUIRE
POST AND SCHELL PC
ONE OXFORD CENTRE
301 GRANT STREET, SUITE 3010
PITTSBURGH PA 15219
412.506.6368
717.612.6052
717.731.1985 (fax)
egrecu@postschell.com
dryan@postschell.com
Served via eService April 28, 2026
(Counsel for PPL Electric Utilities Corporation)