
Hayley E. Wilburn

hwilburn@postschell.com
412-506-6362 Direct
412-227-9065 Direct Fax
File #: 218916

April 28, 2026

VIA ELECTRONIC FILING

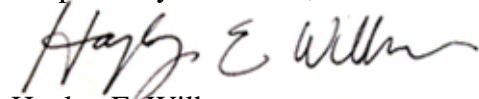
Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Mark Grosz v. PPL Electric Utilities Corporation
Docket No. C-2026-3061612**

Dear Secretary Homsher:

Enclosed please find the Preliminary Objections of PPL Electric Utilities Corporation to the Complaint of Mark Grosz for filing in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Hayley E. Wilburn

HEW
Attachment

cc: Certificate of Service

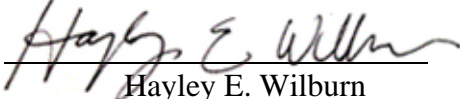
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing 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 participant).

VIA EMAIL AND FIRST-CLASS MAIL

Mark Grosz
412 Alison Ave
Mechanicsburg, PA 17055
Gtar4jc@gmail.com

Dated: April 28, 2026


Hayley E. Wilburn

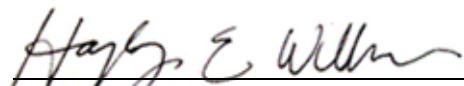
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Grosz,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061612
	:	
PPL Electric Utilities Corporation, et al.,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR PPL ELECTRIC UTILITIES CORPORATION.

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
827 Hausman Road 18104
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com


Devin T. Ryan (ID # 316602)
Hayley E. Wilburn (ID # 336055)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com
hwilburn@postschell.com

Date: April 28, 2026

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Grosz,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061612
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTIONS OF
PPL ELECTRIC UTILITIES CORPORATION TO THE
COMPLAINT OF MARK GROSZ**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) and hereby files these Preliminary Objections, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Commission dismiss the above-captioned Formal Complaint (“Complaint”) filed by Mark Grosz (“Complainant”) as the averments relate to PPL Electric because the Complaint is legally insufficient and for nonjoinder of a necessary party.

In support thereof, PPL Electric states as follows:

I. BACKGROUND

1. PPL Electric is a “public utility” and an “electric distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2803, subject to the regulatory jurisdiction of the Commission.

2. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.5 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

3. On April 8, 2026, PPL Electric was served with the above-captioned Formal Complaint filed by the Complainant.

4. In the Complaint, the Complainant puts forth averments regarding street lighting in Pennsylvania. (Complaint ¶¶ 4, 5.)

5. As relief, the Complainant requests that the Commission investigate utility street lighting practices and recommend that utilities adopt certain street lighting practices throughout the Commonwealth. (Complaint ¶ 5.)

6. PPL Electric is named by the Complainant in the Complaint, however, the Complainant also notes that “other electric utilities in Pennsylvania have the same common practices,” and that the Complaint “is absolutely not about PPL alone.” (Complaint ¶ 2.) The Complainant did not list any other Pennsylvania utilities by name. (*Id.*)

7. The Complainant made no material averments in the Complaint regarding a violation of the Public Utility Code, the Commission’s regulations or a Commission order, or the Company’s Commission-approved tariff. (Complaint ¶¶ 4, 5.)

8. PPL Electric herein files this Preliminary Objection to the Complaint. For the reasons explained below, PPL Electric respectfully requests that the Commission dismiss the Complaint in its entirety because the Complaint is legally insufficient and because the Complainant failed to join other necessary parties to the proceeding.

II. STANDARD OF REVIEW

9. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (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) (emphasis added).

10. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlt.*, 910 A.2d 775, 781 (Pa. Cmwlt. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlt. 2005)). However, the Presiding Officer 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. Cmwlt. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

11. In addition, the Presiding Officer must determine whether, based on the factual pleadings, recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlt. 1987).

Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTIONS

A. PRELIMINARY OBJECTION – THE COMPLAINT IS LEGALLY INSUFFICIENT BECAUSE THE COMPLAINANT FAILED TO ALLEGE UNLAWFUL CONDUCT PPL ELECTRIC

12. PPL Electric incorporates by reference Paragraphs 1 through 12 as if fully set forth herein.

13. A complaint is legally insufficient where the complaint does not allege a violation of the Public Utility Code, the Commission’s regulations, a Commission order, or the utility’s Commission-approved tariff. *See* Pa. C.S. § 701; *see also Nixon v. West Penn Power Co.*, 2012 Pa. PUC LEXIS 923, Docket No. C-2011-2270951 (Initial Decision issued May 29, 2012), *became final without further Commission action* (Final Order entered July 17, 2012).

14. Moreover, a Complaint is legally insufficient when it appears to list the wrong respondent. *See Stabley v. Philadelphia Gas Works*, 2010 Pa. PUC LEXIS 231, Docket No. F-2010-2186368 (Initial Decision issued July 29, 2010), *become final without further Commission action* (Final Order entered Oct. 1, 2010).

15. As a matter of law, the Complainant must show that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196, 1990 Pa. PUC LEXIS 19, at *8 (Order entered Feb. 8, 1990) (citing *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976)).

16. When “the Complaint fails to state a claim against the named respondent upon which the Commission may grant relief,” the Complaint is “insufficient as to substance,” and the “Respondent is entitled to judgment as a matter of law.” *Stabley v. Phila. Gas Works*, Docket No. F-2010-2186368, 2010 Pa. PUC LEXIS 231, at *6 (July 29, 2010) (Initial Decision), *adopted*

without modification, (Order entered Oct. 1, 2010); *see Coggins v. UGI Cent. Penn Gas Inc.*, Docket No. C-2012-2312796, 2012 Pa. PUC LEXIS 1497 (Sept. 10, 2012) (Initial Decision), *adopted without modification*, (Order entered Nov. 9, 2012).

17. Here, the Complaint does not allege any violations related to PPL Electric. Rather, the sole allegations in the Complaint are related to statewide street lighting practices. (Complaint ¶ 4.) Further, while the Complainant does make averments related to the Company's tariff, these averments relate only to suggestions to modify the tariff¹, and not to whether the Company is in violation of its Commission-approved tariff. (Complaint ¶¶ 4, 5.)

18. Further, the Complaint does not appear to list the correct respondent in that the Complainant has made a note that his Complaint concerns other electric utilities in Pennsylvania, yet has not listed those utilities in the Complaint. (Complaint ¶ 2.)

19. Therefore, the Complaint is legally insufficient because the Complainant appears to have omitted respondents, and because the Complaint states no claim upon which the Commission may grant relief.

20. Accordingly, the Complaint should be dismissed in its entirety and with prejudice as against PPL Electric pursuant to 52 Pa. Code § 5.101(a)(4).

B. PRELIMINARY OBJECTION NO. 2 – THE COMPLAINANT FAILED TO JOIN NECESSARY PARTIES TO THE COMPLAINT

21. PPL Electric incorporates by reference Paragraphs 1 through 20 as though fully set forth herein.

22. Under Pennsylvania law, “a necessary party is one whose presence, while not indispensable, is essential if the court is to resolve completely a controversy and to render complete

¹ The Company addresses in its New Matter, filed contemporaneously with these Preliminary Objections, the “very heavy burden” on the Complainant to show that the Company's Commission-approved tariff provisions are no longer just and reasonable.

relief.” *Pa. Human Relations Comm’n v. Phila. Sch. Dist.*, 651 A.2d 177 (Pa. Cmwlth. 1993) (citation omitted).

23. Here, the Complainant explicitly stated that “other electric utilities in Pennsylvania have the same common practices,” and that his Complaint “is absolutely not about PPL alone.” (Complaint ¶ 2.) (emphasis added)

24. Further, the Complainant makes statements with regard to “municipal street lighting systems from utilities across Pennsylvania.” (Complaint ¶ 4.) (emphasis added)

25. As relief, the Complainant requests that the Commission “investigate these common utility practices,” and that it make recommendations for “utilities across Pennsylvania.” (Complaint ¶ 5.) (emphasis added)

26. While the Complainant makes several references to these other utilities across Pennsylvania, he has failed to specify and to join those utilities.

27. The Commission’s determination in this case could affect other utilities in Pennsylvania, because the averments contained within do not specifically concern PPL Electric, but rather concern utilities, generally.

28. As such, without specifying or joining these other utilities, the Commission cannot resolve the dispute, to the extent that there is one, with regard to the other utilities in Pennsylvania to which the Complainant is intending to include.

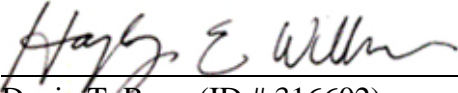
29. Thus, to the extent that the Complainant is found to be legally sufficient, the Complainant has failed to join a necessary party in this proceeding. Therefore, the Complaint should be dismissed pursuant to 52 Pa. Code § 5.101(a)(5).

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the above-captioned Formal Complaint filed by Mark Grosz be dismissed as it relates to PPL Electric pursuant to 52 Pa. Code §§ 5.101(a)(4) and (a)(5).

Respectfully submitted,

Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
827 Hausman Road 18104
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com


Devin T. Ryan (ID # 316602)
Hayley E. Wilburn (ID # 336055)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
Fax: 717-731-1985
E-mail: dryan@postschell.com
hwilburn@postschell.com

Date: April 28, 2026

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, Nicolas Taresh, being the Supervisor Customer Energy Integration at PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 04/28/2026

Nicolas Taresh
Nicolas Taresh (Apr 28, 2026 12:10:09 EDT)

Nicolas Taresh