

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark A. Sanchez	:	
	:	
v.	:	C-2026-3060453
	:	
PPL Electric Utilities Corporation	:	

ORDER
DENYING PRELIMINARY OBJECTION

HISTORY OF THE PROCEEDING

On February 12, 2026, Mark A. Sanchez (Complainant) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, Complainant alleges PPL maintains multiple poles on his property without an easement or right-of-way agreement.

On March 6, 2026, PPL filed an Answer with New Matter to the Complaint. The New Matter was accompanied by a Notice to Plead. In its Answer, PPL either admitted or denied the various averments of the Complaint. In particular, PPL denied that it did not have valid rights to place the poles on the subject property. PPL alleged that it had right-of-way agreements that were provided to Complainant. In its New Matter, PPL reiterated its argument that PPL has acquired actual or prescriptive rights to the property. PPL also averred that the Commission does not have jurisdiction over Complainant’s claims; Complainant’s claims are legally insufficient; the three distribution poles existed and were visible when Complainant purchased the property; PPL’s installation, use and maintenance of the three distribution poles has been actual, continuous, exclusive, visible, notorious, distinct, and hostile for at least twenty-one years; and the Commission does not have the authority to award monetary damages to Complainant.

Complainant's Answer to PPL's New Matter was due within twenty days of the date of service of the Answer with New Matter. 52 Pa. Code § 5.63(a). Complainant did not file an Answer to PPL's New Matter.

Also on March 6, 2026, PPL filed a Preliminary Objection with an attached Notice to Plead. PPL averred that the allegations that PPL does not have property rights to locate its facilities at the subject property are not within the Commission's jurisdiction and should be dismissed.

Complainant's Answer to PPL's Preliminary Objection was due within ten days of the date of service of the Preliminary Objection. 52 Pa. Code § 5.101. Complainant did not file an Answer to PPL's Preliminary Objection.

By Motion Judge Assignment Notice dated April 10, 2026, the Parties were informed that I was assigned as the Presiding Officer in this matter and responsible for resolving any issues which may arise during the preliminary phase of this proceeding.

PPL's Preliminary Objection is now ready to be ruled upon. For the reasons discussed below, the Preliminary Objection will be denied.

DISCUSSION

The Commission's Rules of Administrative Practice and Procedure provide 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). PPL averred in its Preliminary Objection that the Commission lacks jurisdiction over claims raised in the Complaint. The Commission's Rules provide, in relevant part:

§ 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 objections, the Commission must determine whether, based on well-pleaded factual averments of the Complainant, recovery or relief is possible. *Dept. 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 (Complainant) 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 Board*, 690 A.2d 1312 (Pa. Cmwlth. 1997).

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