

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Marianne Belcastro	:	
	:	
v.	:	C-2025-3055195
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Marta Guhl  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision denies Marianne Belcastro’s Formal Complaint against PPL Electric Utilities Corporation because Complainant has not established that PPL Electric Utilities Corporation violated the Public Utility Code, Commission regulations, or Commission order related to its tree cutting and pole placement near the Complainant’s property.

**HISTORY OF THE PROCEEDING**

On May 8, 2025, Marianne Belcastro (Complainant or Ms. Belcastro) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL or Respondent or Company) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant contends that the Company is improperly cutting trees on her property and should not be relocating their poles and electric lines near her property.

On June 4, 2025,<sup>1</sup> the Respondent filed an Answer denying the material allegations of the Complaint.

On June 11, 2025, an Initial Telephonic Hearing Notice was issued and the matter was scheduled for an initial hearing on August 19, 2025 at 10:00 a.m. and the case was assigned to me.

On June 11, 2025, I issued a Prehearing Order which indicated the hearing procedures.

On August 14, 2025, the Complainant reached out to my office via counsel for the Respondent and requested a continuance of the hearing on August 19, 2025. PPL had no objection to the request, which I granted via email.

On August 20, 2025, the Commission issued a Cancelled/Rescheduled Initial Telephonic Hearing Notice and the matter was rescheduled to October 30, 2025 at 10:00 a.m.

On October 24, 2025, the Complainant contacted my office via email again requesting a continuance of the hearing scheduled for October 30, 2025 due to the fact that she was having medical problems. While PPL opposed the request for a continuance, I granted a short continuance of the matter via email.

On October 29, 2025, the Commission issued a Hearing Cancellation Notice and the hearing scheduled for October 30, 2025 was cancelled.

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<sup>1</sup> The Formal Complaint was served on the Respondent by the Secretary's Bureau on May 15, 2025.

On October 30, 2025, an Initial Telephonic Hearing Notice was issued and the matter was rescheduled to December 1, 2025 at 1:00 p.m. However, PPL declined the meeting request sent by the scheduling office due to a conflict in their witness's scheduled for the hearing date.

A Cancelled/Rescheduled Initial Telephonic Hearing Notice was issued on November 10, 2025 and the matter was postponed until January 15, 2026 at 10:00 a.m.

The hearing proceeded as scheduled on January 15, 2026. The Complainant participated *pro se* and testified. The Complainant also presented one exhibit which was entered into the record. The Respondent appeared and was represented by Alice A. Wade, Esquire, who presented the testimony of William Faber, Supervising Engineer, Michael Trotta, Northeast Regional Forester, and Daniel Walker, Right-of-Way Agent. The Respondent offered two exhibits, which were entered into the record.<sup>2</sup>

The record closed on February 6, 2026, when I received my copy of the hearing transcript.

### FINDINGS OF FACT

1. The Complainant in this case is Marianne Belcastro, who resides at 18 Diane Drive, Clifford Township, Pennsylvania 18441 (Service Address). Tr. 8.
2. The Respondent is PPL Electric Utilities Corporation.

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<sup>2</sup> The Respondent's exhibits are marked as PPL Exhibit Nos. 3 and 5, which were the only exhibits that were offered and entered into the record at the hearing.

3. In December 2024, the Complainant received a telephone call from Daniel Walker, who works for PPL, to discuss work that would be done by PPL near her property. Tr. 8-9.

4. The Complainant did not have any further contact with PPL about the work to be done until March 2025. Tr. 11, 23.

5. On March 24, 2025, the Complainant received a telephone call from Mr. Walker about right of way access but she indicated that she was waiting for an important call and asked that he call the next day. Tr. 75; PPL Exh. 3.

6. On March 25, 2025, Mr. Walker called the Complainant again and this time the call was disconnected. Tr. 75; PPL Exh. 5.

7. In November and December 2025, PPL conducted vegetation removal. Tr. 12.

8. Approximately 44 trees were removed from around the Complainant's property, in the Pennsylvania Department of Transportation's (DOT) right of way. Tr. 12.

9. PPL was working on a reliability project along State Route 374 in Clifford Township. Tr. 28.

10. The project is to improve reliability of service along the Route 374 area. Tr. 28.

11. The project composed of replacing poles, pole relocations to make them more accessible, as well as conductor replacement due to age of the facilities. Tr. 28.

12. Some poles along Route 374 are inaccessible because PPL is not able to get a bucket truck to them to make any repairs. Tr. 28.

13. PPL plans to relocate 12 poles from one side of Route 374 to the other where the Complainant's residence is located. Tr. 29; PPL Exh. 5.

14. The poles will be placed in the DOT right of way and not on the Complainant's property. Tr. 29.

15. The tree removal was done as vegetation management in anticipation of the reliability project on Route 374. Tr. 30.

16. If the project is not completed, then approximately 65 customers along this section of Route 374 would continue to experience reliability issues from fallen trees and conductor failure. Tr. 31.

17. The section of the service line that is part of the reliability project has experienced 14 outages in the past five years. Tr. 31.

18. PPL performed surveys before they started any work in the area to check the right of way and property lines in the area. Tr. 63.

19. If a tree branch was encroaching into the DOT right of way, PPL would trim the limb to the edge of the right of way. Tr. 62.

## DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, Complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unempl. Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied her burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

### Service Issues

The Complainant contends that there is an issue with the service that was provided by PPL in this matter. She contends that PPL removed a number of trees in the area around her property and is relocating utility poles next to her property.

The Public Utility Code at 66 Pa.C.S. § 1501 requires public utilities to provide reasonable and adequate, not perfect service. The statute at 66 Pa.C.S. § 1501, provides, in relevant part:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission.

Interpreting this provision in *West Penn Power Company v. Pennsylvania Public Utility Commission*, 478 A.2d 947 (Pa. Cmwlth. 1984), the Commonwealth Court stated:

We hold that in order for the PUC to sustain a complaint brought under this section, the utility must be in violation of its duty under this section. Without such a violation by the utility,

the PUC does not have the authority, when acting on a customer's complaint, to require any action by the utility. (footnote omitted).

478 A.2d at 949.

The statutory definition of "service" is to be broadly construed.<sup>3</sup> *Country Place Waste Treatment Co., Inc. v. Pa. Pub. Util. Comm'n*, 654 A.2d 72 (Pa. Cmwlth. 1995).

In December 2024, the Complainant received a telephone call from Daniel Walker, who works for PPL, to discuss work that would be done by PPL near her property. Tr. 8-9. The Complainant did not have any further contact with PPL about the work to be done until March 2025. Tr. 11, 23. On March 24, 2025, the Complainant received a telephone call from Mr. Walker about right of way access but she indicated that she was waiting for an important call and asked that he call the next day. Tr. 75; PPL Exh. 3. On March 25, 2025, Mr. Walker called the Complainant again and this time the call was disconnected. Tr. 75; PPL Exh. 5. After this call, Mr. Walker made no further attempts to contact the Complainant. Tr. 75; PPL Exh. 5.

PPL presented the testimony of William Faber, who indicated that in November and December 2025, PPL conducted vegetation removal. Tr. 12. Approximately 44 trees were removed from around the Complainant's property, in the DOT right of way. Tr. 12. Mr. Faber stated that PPL was working on a reliability project along State Route 374 in Clifford Township. Tr. 28. The project is to improve reliability

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<sup>3</sup> "Service." Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them . . . 66 Pa.C.S. § 102.

of service along the Route 374 area. Tr. 28. The project composed of replacing poles, pole relocations to make them more accessible, as well as conductor replacement due to age of the facilities. Tr. 28. Mr. Faber notes that some of the current poles along Route 374 are inaccessible because PPL is not able to get a bucket truck to them to make any repairs. Tr. 28. Mr. Faber indicated that PPL plans to relocate 12 poles from one side of Route 374 to the other where the Complainant's residence is located. Tr. 29; PPL Exh. 5. Mr. Faber asserts that the poles will be placed in the DOT right of way and not on the Complainant's property. Tr. 29. Mr. Faber stated that the tree removal was done as vegetation management in anticipation of the reliability project on Route 374. Tr. 30.

Mr. Faber contends that if the project is not completed, then approximately 65 customers along this section of Route 374 would continue to experience reliability issues from fallen trees and conductor failure. Tr. 31. Mr. Faber noted that the section of the service line that is part of the reliability project has experienced 14 outages in the past five years. Tr. 31.

PPL also presented the testimony of Michael Trotta who was in charge of the tree removal near the Complainant's property. Mr. Trotta noted that PPL performed surveys before they started any work in the area to check the right of way and property lines in the area. Tr. 63. While for the most part the vegetation removal was limited to the DOT right of way, Mr. Trotta indicated that if a tree branch was encroaching into the DOT right of way, PPL would trim the limb to the edge of the right of way. Tr. 62.

While the Complainant was concerned about the number of trees that were removed from an area near her property, it is clear that PPL was doing the vegetation removal in the DOT right of way. The Complainant also expressed concerns about having the poles relocated to the side of the road where her property is located. However, there is credible evidence from PPL that some of the poles on the other side of the road are inaccessible to PPL vehicles which facilitate repairs to the poles and PPL found it

most efficient to move the poles to the other side of the road. Further, the poles will be placed in the DOT right of way and not on the Complainant's property. Moreover, PPL provided credible testimony that the project is part of a larger program to increase reliability in the area. Mr. Faber credibly testified that there had been 14 outages in the area in the last five years due to fallen trees and conductor issues, which will both be addressed by this project. While I understand the Complainant's frustration that so many trees were removed from near her property, PPL did attempt to reach out to the Complainant to discuss the project but was unable to successfully contact her. PPL is within its rights to use the DOT right of way for such a project. Further, it is important that PPL provide safe and reliable service, which the project is set to address. There is nothing in the Public Utility Code or Commission regulations that require the Company to provide perfect service. PPL's actions in this matter do not rise to the level of a violation of the Public Utility Code. Based on all of the above, the Complainant has not established that PPL violated the Public Utility Code, Commission regulations, or a Commission order in its handling of this case. Therefore, the Complainant has not met her burden of demonstrating that PPL has failed to provide safe, adequate and reasonable service. As such, the Formal Complaint should be dismissed.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).
3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447

A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.

4. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501.

5. The Complainant did not meet his burden of proving that PECO is not providing safe, adequate, and reasonable service in this matter. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Marianne Belcastro in *Marianne Belcastro v. PPL Electric Utilities Corporation* at Docket No. C-2025-3055195 is denied; and
2. That Docket No. C-2025-3055195 be marked closed.

Date: May 6, 2026

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Marta Guhl  
Administrative Law Judge