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Emily S. Grecu

egrecu@postschell.com  
412-506-6368 Direct  
412-227-9065 Direct Fax  
File #: 219122

May 6, 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: William T. Burke v. PPL Electric Utilities Corporation**  
**Docket No. C-2026-3061816**

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Dear Secretary Homsher:

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

Respectfully submitted,

  
Emily S. Grecu

ESG/bfc  
Attachment

cc: Certificate of Service

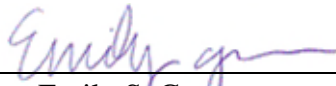
**CERTIFICATE OF SERVICE**

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**

William T. Burke  
660 Harrisburg School Rd.  
Quakertown, PA 18951  
[Bburke660@gmail.com](mailto:Bburke660@gmail.com)

Dated: May 6, 2026

  
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Emily S. Grecu

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

William Burke,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061816
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

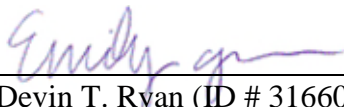
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**NOTICE TO PLEAD**

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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.

Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
645 Hamilton Street, Suite 700  
Allentown, PA 18104  
Phone: 610-774-2599  
Fax: 610-774-4102  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

  
Devin T. Ryan (ID # 316602)  
Emily S. Grecu (ID # 337777)  
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](mailto:dryan@postschell.com)  
[egrecu@postschell.com](mailto:egrecu@postschell.com)

Date: May 6, 2026

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

William Burke,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061816
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF  
PPL ELECTRIC UTILITIES CORPORATION TO  
THE COMPLAINT OF WILLIAM BURKE**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or “Company”) and hereby files this Preliminary Objection, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Complaint filed by William Burke (“Complainant”) be summarily dismissed as against PPL Electric. In support thereof, PPL Electric states as follows:

**I. BACKGROUND**

1. PPL Electric is a “public utility,” an “electric distribution company,” and a “default service provider” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

2. By Secretarial Letter dated April 16, 2026, PPL Electric was served with the above-captioned Complaint. In the Complaint, the Complainant alleges that he is attempting to change

his electric generation supplier (“EGS”) from Major Energy Services, LLC (“Major Energy”) to Verde Energy (“Verde”) but is “having no luck.” (Complaint ¶¶ 4, 5.)

3. PPL Electric herein files these Preliminary Objections to the Complaint. For the reasons explained below, PPL Electric respectfully requests that the Complaint be summarily dismissed in its entirety and with prejudice as against PPL Electric pursuant to Section 5.101(a)(2) and (5) of the Commission’s regulations, 52 Pa. Code §.101(a)(2), (5), due to a request for damages that constitutes an impertinent matter and the nonjoinder of a necessary party, *i.e.*, the EGS at issue.

## **II. STANDARD OF REVIEW**

4. 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).

5. 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. Cmwltth.*, 910 A.2d 775, 781 (Pa. Cmwltth. 2006) (citing *Dep’t. of Gen. Serv. v. Bd. of*

*Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)); accord *Complaint of Nat'l. Fuel Gas Distrib. Corp. and Petition for an Order to Show Cause*, Docket No. P-00072343 (December 26, 2007). 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. Cmwlth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

6. 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. Cmwlth. 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 OBJECTION: THE COMPLAINANT HAS FAILED TO JOIN A NECESSARY PARTY**

7. PPL Electric incorporates by reference Paragraphs 1 through 6 as if fully set forth herein.

8. The Complaint should be dismissed because the Complainant has failed to join a necessary party.

9. The Complainant was enrolled with EGS Major Energy from July 30, 2025, to April 20, 2026. In his Complaint, he stated that he has “tried since [D]ecember to switch from [M]ajor [E]nergy to Verde.” (Complaint ¶ 4.) The Complainant claims he has documentation from Verde dated January 21, 2026, showing his successful enrollment, but Verde has not yet been added as his supplier. Therefore, the Complainant is currently on the Company’s default service.

10. Verde is a licensed EGS that is authorized to offer, render, furnish, or supply electricity or electric generation services in the Commonwealth of Pennsylvania, including within PPL Electric's service territory. *See License of Verde Energy USA, Inc. for Right to Begin to Offer, Render, Furnish or Supply Electricity or Electric-Generation Services as a Supplier to Residential, Small Commercial (25 kW and Under Demand), Large Commercial (Over 25 kW Demand), Industrial, and Governmental Customers in Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities, Inc., UGI Utilities, Inc., and West Penn Power Company Throughout the Commonwealth of Pennsylvania*, Docket No. A-2010-2151038 (Order entered March 25, 2010).

11. According to the Complaint and following further investigation by PPL Electric, the Complainant was a shopping customer who received competitive electric generation supply service during the period in question (Complaint ¶¶ 4-5.)

12. Under Pennsylvania law, "a necessary party is one whose presence, while not indispensable, is essential if the court is to completely resolve a controversy and to render complete relief." *Pa. Human Relations Comm'n v. Phila. Sch. Dist.*, 651 A.2d 177 (Pa. Cmwlth. 1993) (citation omitted.)

13. Here, Verde is a necessary party to this proceeding, given that the Complainant's allegations and requested relief pertain directly to Verde and the Commission's determination in this case could affect Verde.

14. As such, without Verde, the Commission cannot resolve the dispute or award relief concerning the material allegations in the Complaint against Verde.

15. Based on the foregoing, the Complainant has failed to join a necessary party, *i.e.*, Verde, in this proceeding. Therefore, the Complaint should be summarily dismissed as against PPL Electric, pursuant to 52 Pa. Code § 5.101(a)(5).

16. To the extent that the allegations in the Complaint regarding Verde are not summarily dismissed, PPL Electric respectfully requests that an Order be issued joining Verde to the instant proceeding as an indispensable party.

**IV. CONCLUSION**

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint be summarily dismissed with prejudice as against PPL Electric pursuant to 52 Pa. Code § 5.101(a)(5).

Respectfully submitted,

Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
645 Hamilton Street, Suite 700  
Allentown, PA 18104  
Phone: 610-774-2599  
Fax: 610-774-4102  
E-mail: kklock@pplweb.com  
mjshafer@pplweb.com

  
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Devin T. Ryan (ID # 316602)  
Emily S. Grecu (ID # 337777)  
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  
egrecu@postschell.com

Date: May 6, 2026

Attorneys for PPL Electric Utilities Corporation

## VERIFICATION

I, DONNA E. WEBSTER, being a Lead CS Operations Specialist 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.

May 6, 2026

*Donna E Webster*