

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Stephanie Willis	:	
	:	
v.	:	C-2026-3061080
	:	
PECO Energy Company	:	

ORDER
GRANTING PRELIMINARY OBJECTIONS AND REFERRING THE COMPLAINT TO
THE COMMISSION’S MEDIATION UNIT

HISTORY OF THE PROCEEDING

On March 13, 2026, Stephanie Willis filed a Formal Complaint against PECO Energy Company with the Pennsylvania Public Utility Commission. Ms. Willis explained that she is the owner of Everybody Eats Cafe and alleged that PECO has repeatedly conducted work outside of her business that has prevented access to her business. Ms. Willis alleged that PECO has conducted this work without adequate notice to her. Ms. Willis requested that the Commission: (1) order PECO to reimburse her for loss business income, (2) investigate PECO’s handling of the work that it has been performing in the area, and (3) that PECO be required to provide notice before it performs work in the area in the future.

On April 2, 2026, PECO filed an Answer with New Matter to the Complaint. PECO admitted that it performed work near Ms. Willis’s business but denied that it prevented access to the business. PECO also denied that Ms. Willis did not have adequate notice of the work. In its New Matter, endorsed with a Notice to Plead, PECO alleged that the Commission does not have jurisdiction over claims for monetary damages, that the customer is a business that must be represented by an attorney, and that this matter be referred to the Commission’s mediation unit.

Also on April 2, 2026, PECO filed Preliminary Objections to the Complaint, endorsed with a Notice to Plead. In its Preliminary Objections, PECO sought dismissal of the Complaint's claims for damages as impertinent matter, pursuant to 52 Pa. Code § 5.101(a)(2).

Ms. Willis did not file a Reply to PECO's New Matter or an Answer to PECO's Preliminary Objections.

On May 8, 2026, the Commission issued a Motion Judge Assignment Notice, assigning me as Presiding Officer over this proceeding.

PECO's Preliminary Objections are procedurally ready to be ruled upon. For the reasons discussed below, the Preliminary Objections will be granted. Further, this Complaint will be referred to the Commission's mediation unit.

DISCUSSION

PECO in this matter filed Preliminary Objections to the Formal Complaint. The Commission's regulations provide that preliminary objections are available to parties and may be filed in response to a pleading. 52 Pa. Code § 5.101(a). The grounds for preliminary objections are limited to those set forth as follows:

- (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).

Commission procedure regarding the disposition of preliminary objections is similar to the procedure utilized in Pennsylvania civil practice. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Pennsylvania State Lodge, Fraternal Order of Police v. Dept. of Conservation & Natural Resources*, 909 A.2d 413 (Pa. Cmwlth. 2006), *aff'd*, 592 Pa. 304, 924 A.2d 1203 (2007).

The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the complaint in this case in the light most favorable to the Complainant and should dismiss the complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

PECO asserts that the claims in the Complaint seeking monetary damages must be dismissed as impertinent matter, pursuant to 52 Pa. Code § 5.101(a)(2). The law supports the position of PECO.

It is well-established under Pennsylvania law that the enforcement powers of the Commission do not include the power to award money damages. *Elkin v. Bell Tel. Co. of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1978). The Commission cannot award the reimbursement sought by Ms. Willis in her Complaint. *See Morrow v. Bell*

Telephone Co. of Pa., 330 Pa.Super. 276, 479 A.2d 548 (1984); *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 104 Pa.Cmwlth. 21, 521 A.2d 75 (1987); *Ostrov v. I.F.T., Inc.*, 402 Pa.Super. 87, 586 A.2d 409 (1991). A request for monetary damages must be pursued before a Magisterial District Justice or a Court of Common Pleas.

Given that the Commission does not have jurisdiction over damages claims, Preliminary Objections will be granted, and the portions of the Complaint seeking monetary damages will be dismissed. The remaining matters in the Complaint will be referred to the Commission's mediation unit in the Ordering paragraphs below.

ORDER

THEREFORE,

IT IS ORDERED:

1. That PECO Energy Company's Preliminary Objections filed in the matter of Stephanie Willis v. PECO Energy Company, Docket No. C-2026-3061080, are granted.
2. That the portions of the Formal Complaint seeking monetary damages are dismissed.
3. That the remaining matters in the Complaint filed in the matter of Stephanie Willis v. PECO Energy Company, Docket No. C-2026-3061080, are hereby referred to the Commission's Mediation Unit for mediation review.

Date: May 11, 2026

/s/
Alphonso Arnold III
Administrative Law Judge

C-2026-3061080 - STEPHANIE WILLIS v. PECO ENERGY COMPANY

STEPHANIE WILLIS OWNER/OPERATOR
EVERYBODY EATS CAFE
16 WEST 5TH STREET
CHESTER PA 19013
610.822.0000

everybodyeatsphilly@gmail.com

Served via eService May 11, 2026

MARGARET MORRIS ESQUIRE
REGER RIZZO & DARNALL
CIRA CENTRE 13TH FL
2929 ARCH STREET
PHILADELPHIA PA 19104

215.495.6524

215.870.5785

mmorris@regerlaw.com

Served via eService May 11, 2026

(Counsel for PECO Energy Company)