

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jesse Tashlik	:	
	:	
v.	:	C-2025-3057163
	:	
Pike County Light & Power Company	:	

INITIAL DECISION

Before
F. Joseph Brady
Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Formal Complaint of Jesse Tashlik because he failed to satisfy his burden of proving that Pike County Light & Power Company violated its tariff, the Public Utility Code, or a Commission Regulation or Order.

HISTORY OF THE PROCEEDING

On August 29, 2025, Jesse Tashlik (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pike County Light & Power Company (Pike or Respondent). In the Complaint, Complainant alleged Respondent improperly installed a utility pole (Subject Pole) in front of the property located at 208 Avenue I, Matamoras, PA (Service Address). Complainant also alleged Respondent did not follow standard practice when connecting electric service to a new home at the Service Address by creating four midspan splits.

Complainant requested that the Commission order Respondent to: relocate the Subject Pole at no cost to Complainant or require Respondent to provide an estimate and relocation timeline; correct the improper service installation including removal of the midspan splits in the road and require Pike to use a proper service method consistent with industry standards; remove or relocate the guy wire that obstructs the public sidewalk, and require that all future installations comply with municipal safety and accessibility standards; provide documentation of Borough Council or Street Commissioner consent under Matamoras Borough Code § 105-8 for any poles placed within the town's right-of-way and comply fully with this ordinance going forward; cease providing inaccurate explanations; and provide any other relief the Commission deems just and proper.

On September 18, 2025, Pike filed an Answer with New Matter (Answer) along with a Notice to Plead. In its Answer, Pike admitted in part and denied in part various material allegations of the Complaint. Pike denied that: it improperly installed the Subject Pole; it did not follow standard practice when connecting electric service to the Service Address; the guy wire obstructs the public sidewalk as there is no sidewalk; and “mid-spanning” is not standard practice. Pike alleged that the Subject Pole was originally installed by Orange & Rockland Utilities, Inc. prior to any residential development at the Service Address and replaced by Pike in 2005.

In its New Matter, Pike argued that the Complaint should be dismissed because it raises issues over which the Commission lacks jurisdiction, is legally insufficient, and is time-barred. Specifically, Pike argued that the Commission does not have jurisdiction over property disputes (e.g. right-of-way, easements) or municipal ordinances. Pike further argued the Complaint is time-barred under both 66 Pa. C.S. § 3314 and the doctrine of laches as the Subject Pole was most recently replaced in 2005. Finally, Pike argued, pursuant to 52 Pa. Code § 57.27 and Pike’s Tariff, Complainant is responsible for the costs to relocate the Subject Pole.

Complainant's Answer to Pike'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 Pike's New Matter.

Also on September 18, 2025, Pike filed Preliminary Objections to the Complaint along with a Notice to Plead. In its Preliminary Objections, Pike argued the Complaint should be dismissed in its entirety for legal insufficiency because Complainant seeks relief that would violate Pike's tariff. Pike also argued the Complaint should be dismissed for lack of Commission jurisdiction because the Commission does not have jurisdiction over property disputes or alleged violations of municipal ordinances regarding utility infrastructure placement. Pike further argued the Complaint should be dismissed for legal insufficiency because it failed to state a claim upon which relief can be granted since municipal ordinances, as a legal matter, cannot control placement of utility infrastructure.

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

By Motion Judge Assignment Notice dated October 28, 2025, 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.

On November 21, 2025, I issued an Order granting, in part, and denying, in part, Pike's Preliminary Objections. Specifically, I ordered that any portion of the Complaint regarding installation/placement of the Subject Pole or violations of municipal/local ordinances/code be stricken from the Complaint and an evidentiary hearing be scheduled solely to address whether Pike provided reasonable service pursuant

to 66 Pa. C.S. § 1501 when connecting electric service to a new home at the Service Address.

By Hearing Notice dated January 16, 2026, an Initial Call-In Telephonic Hearing was scheduled for March 10, 2026.

A Prehearing Order was issued on January 16, 2026, advising the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to the proceeding.

On March 10, 2026, the hearing convened as scheduled. Complainant appeared *pro se*, testified on his own behalf, and presented the testimony of two witnesses: Michael Ey and Nicholas Trindade. Whitney E. Snyder, Esquire, appeared on behalf of Pike, presented no witnesses, and moved for summary judgment.

The record closed on March 24, 2026, upon the filing of the transcript with the Commission.

FINDINGS OF FACT

1. Complainant is Jesse Tashlik.
2. Respondent is Pike County Light & Power Company, a utility under the jurisdiction of the Pennsylvania Public Utility Commission.
3. Complainant receives electric service from Pike at 208 Avenue I, Matamoras, PA (Service Address). Tr. 7-8.

4. Complainant began construction of a new home at the Service Address in September of 2024. Tr. 12.

5. Complainant installed the meter pan and weatherhead on the left side of the house in December of 2024. Tr. 13, 18.

6. The Subject Pole is located directly in front of the center of the house at the Service Address. Tr. 31.

7. Connecting the service line directly from the Subject Pole would present the same issue whether the meter pan and weatherhead were installed on the left or right side of the house. Tr. 31-32.

8. Electric service was connected to the Service Address via a midspan between electric poles. Tr. 39.

DISCUSSION

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a 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.P.U.C. 196 (Opinion and Order entered Feb. 8, 1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 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 (Pa. Cmwlth. 1990). A complainant can meet that burden if he presents evidence more convincing, by even the smallest amount, than that evidence presented by Respondent. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The

offense must be a violation of the Public Utility Code (Code), a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. 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. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); and *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on the complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *see also, Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

In the Complaint, Complainant made two allegations against Pike. First, Complainant alleged Pike improperly installed a utility pole in front of the Service Address. Second, Complainant alleged Pike did not follow standard practice by using midspan splits to connect electric service to a new home built at the Service Address.

The first allegation was dismissed by Order granting, in part, and denying, in part, Preliminary Objections filed by Pike. Specifically, I ordered that any portion of the Complaint regarding installation/placement of the Subject Pole or violations of

municipal/local ordinances/code be stricken from the Complaint. I also ordered that an evidentiary hearing be held solely to address Complainant's second allegation of whether Pike provided reasonable service, pursuant to 66 Pa. C.S. § 1501, when connecting electric service to the Service Address via the use of midspan splits.

Accordingly, an evidentiary hearing was held on March 10, 2026. However, Complainant presented no testimony or other evidence that Pike violated any standard practice, code, or requirement through the use of midspan splits to connect electric service to the Service Address. Thus, Complainant failed to establish even a *prima facie* case against Pike. Therefore, I find Complainant failed to satisfy his burden of proving that Pike violated its tariff, the Public Utility Code, or a Commission Regulation or Order and the Complaint shall be dismissed.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa.C.S. § 701.

2. Complainant has the burden of proof in this proceeding. 66 Pa.C.S. § 332(a).

3. Complainant has failed to satisfy his burden of proving that Pike violated its tariff, the Public Utility Code, or a Commission Regulation or Order. 66 Pa.C.S. § 701.

