

COMMONWEALTH COURT OF PENNSYLVANIA

Deree J. Norman v. Pennsylvania Public Utility Commission

No. 58 C.D. 2025 (Commonwealth Court of Pennsylvania 2026) · No. 58 C.D. 2025 · Decided May 18, 2026

SUMMARY

The Commonwealth Court of Pennsylvania affirmed the Pennsylvania Public Utility Commission’s dismissal of Deree J. Norman’s complaint against PECO Energy Company. The court held that Act 129 governs PECO’s deployment of smart meters and that the petitioner was not entitled to rely on 52 Pa. Code § 57.255(a) to require his written request before installation. The court also upheld termination proceedings based on his refusal to allow PECO access to replace his legacy meter.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Patricia A. McCullough; Michael H. Wojcik; Stella M. Tsai
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	May 18, 2026
DOCKET	58 C.D. 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for review of the Pennsylvania Public Utility Commission's December 19, 2024 Final Order dismissing Norman's formal complaint against PECO Energy Company.
STANDARD OF REVIEW	The Court reviews whether the PUC violated constitutional rights, committed an error of law, or made findings unsupported by substantial evidence. The Court gives great deference to the PUC's interpretations of the Public Utility Code and its own regulations and will not reverse those interpretations unless clearly erroneous.
PRECEDENTIAL VALUE	Published and precedential Commonwealth Court opinion
PARTIES	Deree J. Norman v. Pennsylvania Public Utility Commission

TOPICS

- judicial review of agency action
- administrative law
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

administrative law

public utilities

electric utility regulation

appellate procedure

QUESTIONS PRESENTED

1. Whether the PUC properly determined that installation of an AMI smart meter was governed by Act 129 rather than 52 Pa. Code § 57.255(a).
2. Whether PECO could terminate or commence termination proceedings against Norman for refusing to provide access to replace his legacy AMR meter with an AMI smart meter.
3. Whether the PUC's order conflicted with the prior payment-arrangement order affirmed in Norman II or placed the PUC in contempt.

HOLDINGS

1. Act 129 governs PECO's universal smart-meter deployment obligations and supersedes any inconsistent customer-choice provision in the earlier advanced-metering regulations. Norman had no right to require PECO to obtain his written request before replacing his legacy AMR meter with an AMI smart meter.
2. PECO was authorized to commence termination proceedings because Norman refused to allow access to his meter for replacement.
3. The PUC's order did not conflict with or place the PUC in contempt of the prior Norman II order because that order addressed termination for nonpayment and did not eliminate PECO's right to obtain meter access or pursue termination for refusal of access.

KEY QUOTATIONS

“Under Act 129, the authority to select and install a certain type of electric meter rests solely with EDCs, in this case PECO, not the customer, “regardless of a customer’s preference.”” (at 15)

“PECO is authorized to commence termination proceedings due to a customer’s refusal to allow it access to his meter for purposes of replacement.” (at 17)

“In sum, PECO has a statutory obligation to deploy smart meter technology to its electric service customers, including Petitioner.” (at 18)

FACTUAL BACKGROUND

Norman, a PECO electric customer, refused to allow PECO access to his property to replace his legacy automatic meter-reading meter with an AMI smart meter. PECO issued a 10-day termination notice and later another termination notice, asserting that access was necessary to install and maintain its metering equipment. Norman argued that Pennsylvania regulations required his prior written request before PECO could install what he called an "Advanced Smart Meter," but he did not assert or prove that installation would constitute unsafe or unreasonable service under Section 1501 of the Public Utility Code.

PROCEDURAL HISTORY

Norman filed a formal complaint with the PUC after PECO issued a termination notice because he refused to permit access to his property to replace his legacy AMR meter with an AMI smart meter. An administrative law judge recommended dismissal, finding no violation by PECO and concluding that Norman had no right to opt out of smart-meter installation and that his refusal to provide access supported termination proceedings. The PUC denied Norman's exceptions and adopted the ALJ's decision. The Commonwealth Court affirmed the PUC's Final Order.

DISPOSITION

affirmed

CASES CITED

- Povacz v. Pennsylvania Public Utility Commission, 280 A.3d 975 (Pa. 2022)
- Norman v. Pennsylvania Public Utility Commission, No. 1053 C.D. 2017 (Pa. Cmwlth. filed July 12, 2018)
- Norman v. Pennsylvania Public Utility Commission, No. 690 C.D. 2020 (Pa. Cmwlth. filed Mar. 16, 2021)
- Equitable Gas Co. v. Wade, 812 A.2d 715 (Pa. Super. 2002)
- Kossman v. Pennsylvania Public Utility Commission, 694 A.2d 1147 (Pa. Cmwlth. 1997)
- Stiteler v. Bell Telephone Company of Pennsylvania, 379 A.2d 339 (Pa. Cmwlth. 1977)
- Burleson v. Pennsylvania Public Utility Commission, 443 A.2d 1373 (Pa. Cmwlth. 1982), aff'd, 461 A.2d 1234 (Pa. 1983)
- Energy Conservation Council of Pennsylvania v. Public Utility Commission, 995 A.2d 465 (Pa. Cmwlth. 2010)
- Popowsky v. Public Utility Commission, 706 A.2d 1197 (Pa. 1997)
- Placid v. Unemployment Compensation Board of Review, 427 A.2d 748 (Pa. Cmwlth. 1981)
- Malone v. West Marlborough Township Board of Supervisors, 603 A.2d 708 (Pa. Cmwlth. 1992)
- Slippery Rock Area School District v. Unemployment Compensation Board of Review, 983 A.2d 1231 (Pa. 2009)