

Utilities Law

Tucker Arensberg has a long history of representing regulated public utilities, municipalities, and other Commonwealth agencies and authorities in Pennsylvania. The capabilities of our firm in the regulated public utility sector are as follows:

Commercial Litigation

Public Utilities in Pennsylvania are frequently the targets of angry Plaintiffs in the context of commercial litigation claims. Such claims may involve alleged breach of contract matters or other alleged harm caused to a customer or non-customer of that utility. Utilities must also seek Court intervention periodically in order to enforce contractual rights when other parties infringe on those rights. Tucker Arensberg has handled such matters before the Public Utility Commission ('PUC'), in trial courts and on appeal.

Personal Injury Defense Litigation

Claims and lawsuits against utilities are brought with a high rate of frequency. That is because vehicles and other utility facilities are everywhere. Aerial wires, cables, poles, motor vehicles and sidewalk or parking lot tripping hazards are objects that may give rise to personal injury claims against a utility. Fires and other catastrophic explosions are occurrences that may also give rise to claims. Tucker Arensberg attorneys have handled all such claims ranging from minor slip and fall incidents to catastrophic injury and death claims against utilities. Tucker Arensberg has handled these cases both at the trial level and on appeal.

Real Estate Litigation

For many decades, Tucker Arensberg has advised utilities with regard to eminent domain and right of way matters and other land use matters. We have negotiated and recovered money damages and increased value payments for utilities affected by eminent domain takings. We have also represented utilities in connection with the ejectment actions as well as easement matters.

Third-Party Property Damage Claims

Responding to damage incidents involving utility property requires a significant expenditure of time and resources for the utility. The Pennsylvania Public Utility Commission mandates that utilities have a program to recover from persons or entities that have caused damage to their facilities. Capturing those costs and recovering from the responsible parties requires an active and aggressive collection team. Our firm has assisted in the recovery of property damage costs in aerial and underground damage claims.

Public Utility Commission Consumer Complaints

Utility companies are often the targets of customer complaints filed with the Pennsylvania Public Utility Commission. These complaints present unique challenges not only because the complainant often retains an on-going relationship with the utility after the dispute concludes, but also because the Commission's broad investigative and enforcement powers can greatly expand the scope (and impact) of the proceeding. Our firm has successfully handled many matters before the Commission on a broad range of disputes ranging from reliability and safety issues to billing concerns. Common issues include alleged overbilling, termination of service, application of tariff provisions, meter-related problems, vegetation control, theft of service, the operation of the utility's equipment, and a variety of other issues that arise in the field.

Employment/Workers Compensation Claims

For many years, our firm has defended utilities involved in Worker's Compensation and Federal Black Lung litigation. We have also successfully represented utility companies, and many employers in other industries, in wrongful discharge and employment discrimination matters.

Tax Audit Representation

Utilities operating in Pennsylvania are routinely confronted with audits of Pennsylvania Gross Receipts Tax, Pennsylvania Sales and Use Tax and Pennsylvania Corporate Net Income Tax. In addition, recent tax law changes have created new tax planning opportunities in the area of the Pennsylvania Corporate Net Income Tax. Our firm has successfully handled many audits and appeals and has also developed tax planning strategies that allow our clients to take advantage of the recent tax law changes.

We feel that our skills and experience in these areas enable our firm to provide the highest quality of service to clients in these areas.