

jurisdiction in the Commonwealth Court. However, contrary to the conclusion of the Commonwealth Court, it appearing that Appellant has specifically alleged violations of 18 Pa.C.S. § 5703 and 18 Pa.C.S. § 5741, and, absent full and sufficient legal analysis of these and related provisions by the Commonwealth Court establishing otherwise, it appearing that Appellant has alleged sufficient facts that **may** meet the criteria for establishing violations of these sections, the Commonwealth Court incorrectly concluded that it is clear and free from all doubt that Appellant has failed to plead a viable cause of action pursuant to 18 Pa.C.S. § 5726. Accordingly, the order of the Commonwealth Court is **REVERSED IN PART**, and this matter is **REMANDED** to the Commonwealth Court for further proceedings on Appellant's 18 Pa.C.S. § 5726 claim. In those further proceedings, Appellant's allegations may be tested, pursuant to any well-pled motion, by appropriate legal analysis of the applicable sections of the Wiretapping and Electronic Surveillance Control Act, taking into consideration, among other things, the provisions of 18 Pa.C.S. § 5703 and 18 Pa.C.S. § 5741 and the legislative definitions set forth at 18 Pa.C.S. § 5702, and any factual record established before the Commonwealth Court.

Chief Justice Castille files a Concurring and Dissenting Statement, in which Mr. Justice Eakin joins.

Madame Justice Todd dissents, and would affirm the order of the Commonwealth Court.