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September 22, 2020

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Stephen Morgan v. Columbia Gas of Pennsylvania, Inc.**  
**Complaint Docket No. C-2020-3021730**

Dear Ms. Chiavetta:

Enclosed is an electronically filed copy of Columbia Gas of Pennsylvania, Inc.'s Preliminary Objections to Formal Complaint. A copy of the document has been served on the Complainant.

Sincerely,



Larry R. Crayne

enclosure

cc: Stephen Morgan  
15 Arentzen Boulevard  
Charleroi, PA 15022

**Commonwealth of Pennsylvania**

**Before the Pennsylvania Public Utility Commission**

In the Matter of:

Stephen Morgan  
Complainant,

Complaint Docket  
No. C-2020-3021730

VS.

Columbia Gas of Pennsylvania, Inc.  
Respondent.

**Preliminary Objections**

AND NOW comes Respondent, Columbia Gas of Pennsylvania, Inc. (Columbia Gas), pursuant to 52 *Pa. Code*, Section 5.101 (a) (1), and files the following Preliminary Objections:

**Lack of Jurisdiction**

1. Complainant in this proceeding is not a gas service customer of Columbia Gas. Further, Complainant alleges no violation of any Statute, regulation or order which Columbia Gas has violated and which the Commission has jurisdiction to administer. Apparently, Complainant is now making unspecified averments regarding a landslide that occurred in 2018 on Scenery Drive, Belle Vernon, PA.

2. If Complainant's property suffered damage, the Complaint in this proceeding is requesting the Commission to adjudicate what amounts to a matter of possible tort responsibility between Complainant and Columbia Gas regarding the adequacy of restoration work necessary to repair the main gas line on Scenery Drive, Belle Vernon, PA

3. Complainant requests the Commission to adjudicate matters of tort responsibility for possible damage to Complainant's property by reason of the work performed by Columbia Gas

4. The Commission does not have the statutory jurisdiction to adjudicate and determine the responsibility of Columbia Gas to Complaint by reason of the work performed to repair the main gas line. Further, if the Commission should conclude that Columbia Gas was responsible for damage to Complainant's property, the Commission does not have the power to enter a judgment for Complainant.

**Wherefore**, Columbia Gas requests that this Complaint be dismissed for the reason that this matter involves the determination of responsibility under tort law of Columbia Gas for any damage that may have been done to Complainant's property, matters which should be

adjudicated in a civil court which has the power to make a determination of the parties' rights and responsibilities and award damages if appropriate.

### **Complainant is not Authorized to Represent Brian Dolfi**

5. Paragraph 1 of this Complaint references "Dolfi and Morgan". Apparently, the reference to "Dolfi" is to one Brian Dolfi located at 623 Hamilton Avenue, Belle Vernon, PA. Mr. Dolfi is a customer of Columbia Gas.

6. The regulations of the Commission at 52 Pa. Code, Section 1.21, provide that individuals may represent themselves. The regulations do not provide that an individual other than the customer or ratepayer may represent an individual. If the Customer desires representation by someone other than himself, the person providing the representation must be an attorney at law admitted to practice before the Supreme Court of Pennsylvania. 52 Pa. Code, Section 1.22 (a).

7. To the best of the knowledge of Columbia Gas, Complainant Stephen Morgan is not an attorney licensed to practice law in Pennsylvania. The Commission's regulation at 52 Pa. Code 1.21(b) provides that in adversarial proceedings, a person shall be represented by an attorney except where an individual represents himself or herself. The Complainant is not an attorney and may not represent Mr. Dolfi, the Columbia Gas customer in this proceeding.

**Wherefore**, Columbia Gas requests that this Complaint be dismissed for the reason that Complainant Morgan is not authorized to represent Mr. Dolfi regarding any matters in this proceeding.

### **Notice to Plead**

To: Stephen Morgan:

You are hereby notified to file a written response to the above Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be mailed to the Secretary of the Public Utility Commission:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

A copy of your response must also be mailed to the undersigned.

Respectfully submitted,

Columbia Gas of Pennsylvania, Inc.

By:   
Larry R. Crayne, Esq.

## VERIFICATION

I, Nicole M. Paloney, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are made subject to the penalties of 18 Pa. C. S., Section 4904 (relating to unsworn falsification to authorities).

Date: 9-22-2020

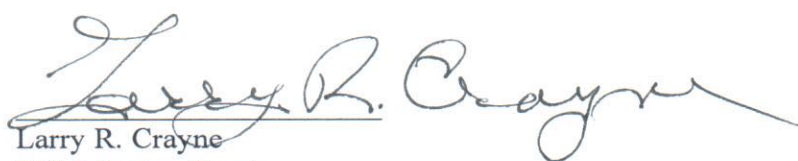
Nicole M. Paloney  
Nicole M. Paloney  
Director, Rates & Regulatory Affairs  
Columbia Gas of Pennsylvania, Inc.

## Certificate of Service

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the participant, listed below, in accordance with the requirements of Sec. 1.54 (relating to service by a participant).

Stephen Morgan  
15 Arentzen Boulevard  
Charleroi, PA 15022

Dated this 22<sup>nd</sup> day of SEP, 2020



Larry R. Crayne  
238 Johnston Road  
Pittsburgh, PA 15241

Counsel for  
Columbia Gas of Pennsylvania, Inc.