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September 30, 2024

**VIA ELECTRONIC FILING**  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Joseph Yarzebinski v. Peoples Natural Gas Company  
LLC at Docket No. C-2024-3051085

Dear Secretary Chiavetta:

On behalf of Peoples Natural Gas Company LLC, enclosed please Preliminary Objections, to be electronically filed in the above-referenced case.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,

Enclosures  
cc: Joseph Yarzebinski

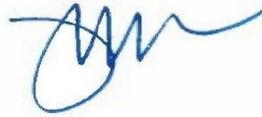
**COMMONWEALTH OF PENNSYLVANIA  
BEFORE  
THE PUBLIC UTILITY COMMISSION**

<b>Joseph Yarzebinski</b>	)	<b>Complaint Docket</b>
<b>v.</b>	)	<b>No. C-2024-3051085</b>
<b>Peoples Natural Gas Company LLC</b>	)	

**NOTICE TO PLEAD**

TO: Joseph Yarzebinski

You are hereby notified that, if you do not file a written response to the enclosed Preliminary Objections within (10) days from service of this notice, the facts set forth in the following Preliminary Objections may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Response to the enclosed Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on all other parties to this proceeding. Failure to respond to the Preliminary Objections could result in the dismissal of your case.



Dated: September 30, 2024

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Jennifer L. Petrisek, Esq.  
Counsel for Peoples Natural Gas Company LLC  
375 North Shore Drive  
Pittsburgh, PA 15212  
(412) 208-6834

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE  
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<b>Joseph Yarzebinski</b>	)	<b>Complaint Docket</b>
<b>v.</b>	)	<b>No. C-2024-3051085</b>
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**PRELIMINARY OBJECTIONS**  
**TO THE FORMAL COMPLAINT OF**  
**JOSEPH YARZEBINSKI**

Pursuant to 52 Pa. Code §5.101, Peoples Natural Gas Company LLC, hereinafter referred to as “Peoples” or “Company”, hereby files its preliminary objections to the Formal Complaint filed in the above-captioned matter on the grounds that the subject matter of the complaint is beyond the jurisdiction of the Public Utility Commission. The Commission is without authorization to grant the Complainant’s request for damages, and the Formal Complaint includes impertinent matter in its requested relief. Therefore, Peoples moves to strike the Complainant’s request for compensation.

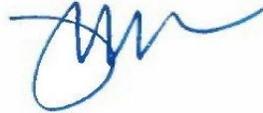
In support of its preliminary objections, Peoples states as follows:

1. The Complainant is an owner of a property located at 4485 Mount Royal Boulevard, Allison Park, PA 15101 (“the Property”).
2. The Complainant filed a formal complaint with the Commission at Docket Number C-2024-3051085, averring that Peoples is responsible for alleged damage to a tree on his property (the Formal Complaint”). In the Formal Complaint, the Complainant seeks compensatory damages for the alleged losses, including cutting down the tree and planting a new one in its place. The requested relief is essentially a request for monetary compensation or other consideration being paid to Complainant.
3. Peoples has filed its Answer to Complaint contemporaneously with this Motion, in which it denies liability to Complainant.
4. It is well settled that the Commission has only the powers, and can only consider such matters, as are expressly, or by necessary implication, given to it by the legislature.

- Behrend v. Bell Telephone Co., 363 A.2d 1152 (Pa. Super 1976); Brockway Glass Company, Inc. v. West Penn Power Co., 54 Pa. P.U.C. 509 (1980); Bones v. Bates Taxi, Inc., 51 Pa. P.U.C. 346 (1977). The Public Utility Code, 66 Pa. C.S. §101, et seq. (the “Code”), gives the Commission supervisory and regulatory power over the rates, service and facilities of public utilities. Brockway Glass Company, Inc. at 514.
5. Pursuant to 52. Pa. Code §5.101, Peoples objects to the relief requested in the Formal Complaint on the grounds that the Pennsylvania Public Utility Commission (the “Commission”) lacks jurisdiction to award monetary damages/compensation.
  6. Pennsylvania courts have long held that the enforcement powers of the Commission do not include the power to award monetary damages. Elkin v. Bell, 491 Pa. 123, 420 A.2d 371 (1980); Feingold v. Bell of Pennsylvania, 477 Pa. 1, 383 a.2d 791 (1978); see Nagy v. Bell Tel. Co., 436 A.2d 701 (Pa. Super. 1981). Thus, the Code does not give the Commission jurisdiction over a claim for monetary damages. Behrend v. Bell Telephone Co., 363 A.2d 1152 (Pa. Super 1976); Brockway Glass Company, Inc. v. West Penn Power Co., 54 Pa. P.U.C. 509 (1980); Bones v. Bates Taxi, Inc., 51 Pa. P.U.C. 346 (1977).
  7. The Court of Common Pleas retains original jurisdiction over suits for monetary damages. Behrend v. Bell Telephone Co., 363 A.2d 1152 (Pa. Super 1976).
  8. Complainant’s concerns should be addressed in the Court of Common Pleas.
  9. A prayer for relief by the Complainant in the form of monetary or other compensation for damages is not recoverable in the cause of action before this Commission as the Commission is without authorization to award compensation for damages. The request for relief is irrelevant to the instant cause of action and therefore an “impertinent matter” within the use and meaning of 52 Pa. Code §5.101(a)(2).
  10. Thus, the Complainant’s request for compensation for alleged damages should be stricken from the Formal Complaint pursuant to Pa. Code §5.101(a)(2) and the Complainants should be precluded from introducing any evidence in the Formal Complaint proceeding related to a compensatory claim for damages.

WHEREFORE, Peoples respectfully requests that this Commission grant Peoples' preliminary objection to the Formal Complaint and strike the request for payment of damages as an impertinent matter.

Respectfully submitted.



Dated: September 30, 2024

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Jennifer L. Petrisek, Esq.  
Counsel for Peoples Natural Gas Company LLC

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**VERIFICATION**

I, Jennifer L. Petrisek, hereby declare that I am an attorney representing Peoples; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Motion are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.



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Jennifer L. Petrisek

Date: September 30, 2024

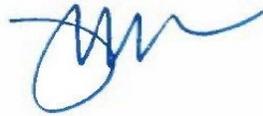
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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing NOTICE TO PLEAD and PRELIMINARY OBJECTIONS TO THE FORMAL COMPLAINT upon each party to this proceeding.

Done at Pittsburgh, Pennsylvania, this 30th day of September, 2024.



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Jennifer L. Petrisek  
Counsel for  
Peoples Natural Gas Company LLC