

June 2, 2025

Via Electronic Filing

Matthew Homsher, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2025-3055093
Fred M. Vero v. FirstEnergy Pennsylvania Electric Company
Preliminary Objections of FE PA (West Penn Rate District)**

Dear Secretary Homsher:

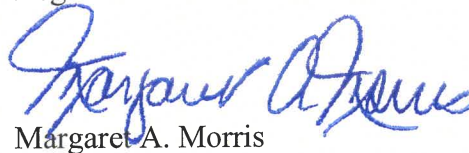
Attached for filing is the Preliminary Objections of FirstEnergy Pennsylvania Electric Company (West Penn Rate District) to the Complaint filed by Fred M. Vero (Complainant) in the above-referenced proceeding.

A copy of the Preliminary Objections has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Fred M. Vero [w/encls.]

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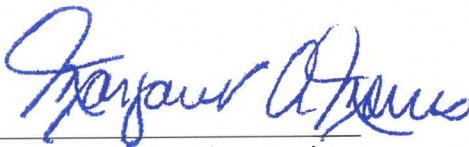
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via First-Class & Electronic Mail

Fred M. Vero
123 Germaine Road
Butler, PA 16001
fredmvero@gmail.com

Dated: June 2, 2025


Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FRED M. VERO

v.

FIRSTENERGY PENNSYLVANIA ELECTRIC
COMPANY

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Docket No. C-2025-3055093

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that if you do not file a written response answering the enclosed Preliminary Objections of FirstEnergy Pennsylvania Electric Company within ten (10) days from service of this notice, the facts set forth by FirstEnergy Pennsylvania Electric Company in the Preliminary Objections may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for FirstEnergy Pennsylvania Electric Company, Margaret A. Morris, Esq., and where applicable, the Administrative Law Judge presiding over the issue.

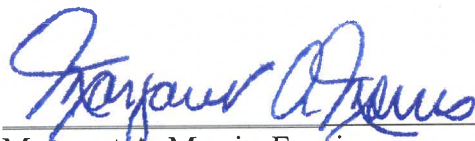
File by Mail or e-filing with:

Matthew Homsher, Esquire
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

With a copy to:

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Date: June 2, 2025



Margaret A. Morris, Esquire
Attorney ID No. 75048
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*Counsel for FirstEnergy Pennsylvania Electric
Company (West Penn Rate District)*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FRED M. VERO

v.

FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY

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Docket No. C-2025-3055093

**PRELIMINARY OBJECTIONS TO THE
FORMAL COMPLAINT OF FRED M. VERO**

FirstEnergy Pennsylvania Electric Company, West Penn Rate District, (Respondent or Company), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.101, hereby files its Preliminary Objection to the Formal Complaint of Fred M. Vero (Complainant) filed in the above-captioned proceeding. The Company avers the subject of the Formal Complaint is beyond the jurisdiction of the Pennsylvania Public Utility Commission (Commission) who is without authorization to grant the Complainant’s request for damages. The Formal Complaint includes impertinent matter in its requested relief. Therefore, the Respondent moves to have the Formal Complaint dismissed in its entirety or in the alternative to strike the Complainant’s request for compensation.

In support of its preliminary objections, the Respondent states as follows:

1. The Complainant filed a Formal Complaint averring that an outage at 123 Germaine Road, Butler, Pennsylvania (Service Location) on March 24, 2025, caused damage to his personal property. The Complainant seeks compensation for the damage caused to his furnace and garage door opener.

2. In an Answer and New Matter being served contemporaneously with this Preliminary Objection, the Respondent denied the material allegations in the Formal Complaint.

3. 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 Pennsylvania 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* at 514.

4. Additionally, pursuant to 52. Pa. Code § 5.101, West Penn objects to the Formal Complaint on the grounds that the Commission lacks jurisdiction to award monetary damages. The Complainant seeks to have the Company pay for damages to various personal items located in the Service Location.

5. 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*, *supra*; *Brockway Glass*, *supra*; *Bones v. Bates Taxi, Inc.*, 51 Pa. P.U.C. 346 (1977).

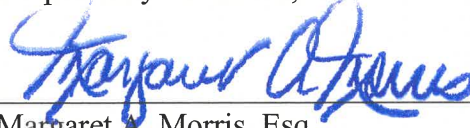
6. The Court of Common Pleas retains original jurisdiction over suits for monetary damages. *Behrend, supra*.

7. The sole requested relief by the Complainant, in the form of monetary 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).

8. The request for monetary compensation for alleged damages should be stricken from the Formal Complaint pursuant to 52 Pa. Code § 5.101(a)(2).

WHEREFORE, Respondent, FirstEnergy Pennsylvania Electric Company, requests that the Complaint filed by Fred M. Vero be dismissed with prejudice or denied in its entirety.

Respectfully submitted,



Date: June 2, 2025

Margaret A. Morris, Esq.
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Company (West Penn Rate District)*