

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES IORFIDO

v.

DUQUESNE LIGHT COMPANY

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C-2025-3055018

**INTERIM ORDER  
DISMISSING PRELIMINARY OBJECTION**

James Iorfido (Complainant) filed a formal complaint against Duquesne Light Company on May 5, 2025. The Complainant alleged that Duquesne Light installed a transformer on his property. According to the Complainant, workers removed survey markers which were recently installed on his property. As relief the Complainant wants Duquesne Light to remove the transformer and to “survey my property and replace survey pins.”

Duquesne Light filed an answer on May 27, 2025. Duquesne Light admitted that it installed transformers within its right-of-way over the Complainant’s property. Duquesne Light denied that it did not notify the Complainant of the project. Duquesne Light admitted that it removed the Complainant’s wooden survey stake and metal property pin from the right-of-way but denied that it is responsible for replacing them.

Duquesne Light also filed preliminary objections. Duquesne Light seeks to strike the Complainant’s request for relief because his request amounts to a request for damages. The preliminary objections included a notice to plead with which notified the Complainant that he had ten days to respond. The Complainant did not respond.

By notice dated June 26, 2025, the preliminary objection was assigned to me for disposition.

Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections.<sup>1</sup> A preliminary objection which seeks dismissal of a pleading will only be granted where relief is clearly warranted and free from doubt.<sup>2</sup> The moving party may not rely on its own factual assertions, but must accept for the purpose of disposition of the motion, all well-pleaded material facts of the other party, as well as every inference fairly deducible from those facts.<sup>3</sup> Therefore, in ruling on a preliminary objection, the Commission must assume, for decisional purposes only, that the factual allegations of the complaint are true.<sup>4</sup>

Duquesne Light seeks to strike the Complainant's request for relief as "impertinent matter" because the Commission does not have the authority to award damages. Specifically, Duquesne Light contends that the Complainant's request that the Commission direct Duquesne Light to survey his property and replace his survey stakes "amounts to a request for damages."

The Commission has no authority to award *monetary* damages.<sup>5</sup> However, the Commission has held that a claim that a public utility damaged a person's property and failed to repair the damage in a satisfactory manner falls squarely within the issue of whether the utility has rendered reasonable service as required by the Public Utility Code.<sup>6</sup> Duquesne Light did not support its contention that the Complainant's request for relief "amounts to a request for damages" rather than a request for the restoration of his property with any analysis or legal

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<sup>1</sup> *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

<sup>2</sup> *Interstate Traveller Services, Inc. v. Pa. Department of Environmental Resources*, 406 A.2d 1020 (Pa. 1979); *Application of K&F Medical Transport, LLC*, PUC Docket No. A-2008-2020353 (Initial Decision dated April 25, 2008).

<sup>3</sup> *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A.2d 402 (Pa. 1985).

<sup>4</sup> *Id.*

<sup>5</sup> *Feingold v. Bell of Pennsylvania*, 383 A.2d 791 (Pa. 1977).

<sup>6</sup> *Prosser v. Columbia Gas of Pennsylvania, Inc.*, Docket C-20066376 (Opinion and Order entered October 30, 2006), pp 3-4; see also *Reffner v. The Peoples Natural Gas Company d/b/a Dominion Peoples*, Docket C-20077841 (Opinion and Order entered June 10, 2008).

citation. Duquesne Light has not met its burden to demonstrate that it is entitled to a ruling in its favor.

THEREFORE,

IT IS ORDERED:

1. That the preliminary objection of Duquesne Light Company is dismissed.
2. That a hearing shall be scheduled for an available date.

Date: July 1, 2025

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Mary D. Long  
Administrative Law Judge

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