

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Donald Knaub	:	
	:	
v.	:	C-2025-3055803
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**ORDER DENYING PRELIMINARY OBJECTION**

**HISTORY OF THE PROCEEDING**

On June 17, 2025, Donald Knaub (“Complainant”) filed a Formal Complaint (“complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against Columbia Gas of Pennsylvania, Inc. (“Columbia Gas” or “Respondent”). The complaint alleges that Respondent “took advantage” of Complainant’s “faithfulness” to it when running a gas line to his property. Complaint ¶ 4. The complaint further claims that Complainant was given wrong information causing him to pay a cost of \$6,568.82 to run a gas line while others did not have to pay anything. Complaint ¶ 5. As relief, Complainant requested to have all or a portion of his money returned. Complaint ¶ 5.

On May 27 2025, Respondent filed an Answer and New Matter along with Preliminary Objections. In its Answer, Respondent denied providing incorrect information to Complainant and denies that Complainant paid to run a gas line to other properties. Answer ¶ 5.

In its New Matter, Respondent asserts that Complainant fails to allege violation of any statute, regulation or order of the Commission and fails to plead information with sufficient specificity to allow Respondent to prepare a coherent response or defense. New Matter ¶ 14.<sup>1</sup> The Answer and New Matter contained a Notice to Plead that advised Complainant he had 20 days to reply.

In its Preliminary Objections, Respondent argues that Complainant fails to allege violation of any statute, regulation or order of the Commission and fails to plead information with sufficient specificity to allow Respondent to prepare a coherent response or defense. The Preliminary Objections contained a Notice to Plead that advised Complainant he had 10 days to respond.

Complainant did not reply or otherwise plead to the New Matter.

Complainant did not file an answer or otherwise plead to the Preliminary Objection.

The matter has been assigned to me as the presiding officer.

Respondent's Preliminary Objections are now ready for consideration. For the reasons discussed below, the Preliminary Objections will be denied.

#### DISCUSSION

Commission regulations permit the filing of preliminary objections. 52 Pa. Code § 5.101(a). Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections. *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994) ("*Equitable*"). Commission regulations provide:

#### **§ 5.101. Preliminary objections.**

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

For purposes of disposing of Preliminary Objections, the Commission must accept as true all well-pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts. *County of Allegheny v. Commonwealth of Pa.*, 490 A.2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Tel. Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). As such, the Commission must view the complaint in this case in the light most favorable to Complainant and should dismiss the complaint only if it appears that Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable, supra*; *see also, Interstate Traveler Servs., Inc. v. Pa. Dept. of Env't Res.*, 406 A.2d 1020 (Pa. 1979). The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 66 Pa. C.S. § 703(b).

In this case, Complainant argued that Columbia Gas provided wrong information to him regarding running a gas line to his property at a cost of \$6,568.82. Complainant further alleges that after he paid this sum, multiple homes around him were allowed to pay nothing to connect to the line that he paid for.

The first Preliminary Objection raised by Respondent is “insufficient specificity of a pleading” under 52 Pa. Code § 5.101(a)(3). Accepting the facts in the Complaint in this case

as true for purposes of ruling on the Preliminary Objections, establishes that Columbia Gas mislead Complainant into paying a sum of \$6,568.82 for a gas line to his home while allowing others residents to then connect to that gas line for free. The Complaint is sufficiently specific to put Respondent on notice regarding the claims of providing the Complainant with wrong information and erroneous billing for the gas line.

The second Preliminary Objection raised by Respondent is “legal insufficiency of a pleading” under 52 Pa. Code § 5.101(a)(4). Again, accepting the facts in the Complaint in this case as true for purposes of ruling on the Preliminary Objections, the Complaint may establish a reasonable service violation under 66 Pa.C.S. § 1501 and a request for refund. Thus, the Complaint establishes a potential claim and request for relief under the Public Utility Code.

Although Respondent’s Preliminary Objections are denied, I note that the standard of proof at a hearing is different than the standard used to dispose of preliminary motions such as the motion in this case. Complainant must prove, by a preponderance of the evidence, that he is entitled to relief because Respondent has violated the Public Utility Code, a Commission order or regulation, or a Commission-approved tariff of the company concerning the service provided to her. This is a higher legal standard than that which was used to judge Columbia Gas’ Preliminary Objections.

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by Columbia Gas of Pennsylvania, Inc. on July 7, 2025 at Docket No. C-2025-3055803 are denied.



**C-2025-3055803 - DONALD KNAUB v. COLUMBIA GAS OF PENNSYLVANIA, INC.**

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Served via eService August 6, 2025

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