



121 Champion Way, Ste. 100
Canonsburg, PA 15317
(724) 416-6321
efarah@nisource.com

Emily Farah
Assistant General Counsel
Legal Department

September 2, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building – 2nd Floor
400 North Street
Harrisburg, PA 17120

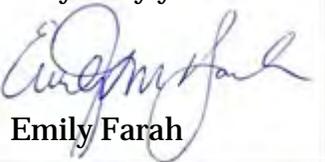
**Re: Harlan Talkington/LIU LLC v.
Columbia Gas of Pennsylvania, Inc.
Docket No. C-2025-3056803**

Dear Secretary Homsher:

Enclosed is Columbia Gas of Pennsylvania, Inc.'s Preliminary Objections to the Formal Complaint of Harlan Talkington/LIU LLC. As indicated on the attached Certificate of Service, copies have been served in the manner indicated.

Please contact me at the above phone number should you have any questions.

Very truly yours,



Emily Farah

/kak

Enclosure

cc: Certificate of Service (w/enc.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Harlan Talkington	:	
LIU LLC, [OBJ]	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3056803
	:	
Columbia Gas of Pennsylvania, Inc., [OBJ]	:	
Respondent	:	

**PRELIMINARY OBJECTIONS OF COLUMBIA GAS OF PENNSYLVANIA, INC. TO
THE FORMAL COMPLAINT
OF HARLAN TALKINGTON LIU LLC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.101(a)(1), Columbia Gas of Pennsylvania, Inc. (“Columbia” or “the Company”) hereby submits these Preliminary Objections in response to the above-captioned Formal Complaint (“Complaint”) of Harlan Talkington - LIU LLC (“Complainant”), and in support thereof, states as follows:

I. BACKGROUND

1. On or about August 13, 2025, Complainant filed a Complaint at the above caption. *See* Formal Complaint at ¶ 11.

2. The Complaint is seeking reimbursement for costs incurred to repair a customer-owned service line at 345 Regis Ave., Suite 1, Pittsburgh, PA 15236 (“Property”). *See* Complaint ¶ 4.

II. STANDARD OF REVIEW

3. Pursuant to the Pennsylvania Public Utility Commission's ("Commission") regulations, 52 Pa. Code § 5.101(a), preliminary objections in response to a pleading may be filed the following bases:

- (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 a 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.

4. The moving party may not rely on its own factual assertions but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (Pa. 1985).

5. In deciding on preliminary objections, the Presiding Officer must assume, for ruling purposes only, that the factual allegations of the Complaint are true. *Id.*

6. The Commission's procedural regulations allow a party to file a preliminary objection to pleadings where the Commission lacks jurisdiction over the proceeding. See 52 Pa. Code § 5.101(a)(1).

III. PRELIMINARY OBJECTION – LACK OF JURISDICTION

7. The foregoing paragraphs are incorporated herein as if fully set forth.

8. Complainant's stated request for relief is as follows: "I ask that Columbia Gas reimburse the full amount as witnessed by the receipts provided." See Complaint ¶ 5.

9. Complainant alleges no violation of any statute, regulation or order of the Commission, which Columbia has violated and which the Commission has jurisdiction to administer.

10. Rather, Complainant is simply asking the Commission to award monetary damages in the amount of \$10,334.42. See Complaint ¶ 5.

11. Lack of Commission jurisdiction is an appropriate preliminary objection. See 52 Pa. Code § 5.101(a)(1).

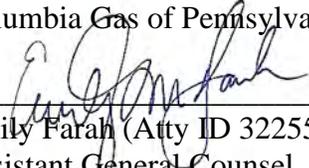
12. It is well settled that the Commission has only the powers and can only consider such matters as are expressly, or by necessary implication, given to it by the Legislature. *Behrend v. Bell Telephone Co.*, 363 A.2d 1152 (Pa. Super 1976); *Brockway Glass Company, Inc. v. West Penn Power Co.*, 54 Pa. PUC 509 (1980).

13. The enforcement powers of the Commission do not include the power to award monetary damages. See *e.g. Elkin v. Bell*, 491 Pa. 123, 420 A.2d 371 (1980); *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1978). Therefore, the courts of common pleas retain original jurisdiction over suits for monetary damages. See *Behrend v. Bell Telephone Co.*, 363 A.2d 1152 (Pa. Super 1976).

14. Because Complainant's sole relief is a request for monetary damages in the amount of \$10,334.42 and the granting of such relief is outside the Commission's jurisdiction, the Complaint must be dismissed in its entirety.

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Pennsylvania Public Utility Commission sustain these Preliminary Objections and dismiss the above-captioned Complaint with prejudice.

Respectfully submitted,
Columbia Gas of Pennsylvania, Inc.



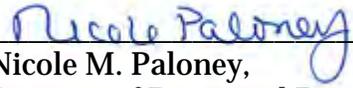
Emily Farah (Atty ID 322559)
Assistant General Counsel
121 Champion Way, Ste. 100
Canonsburg, PA 15317
Tel.: (724) 416-6321
Email: efarah@nisource.com

Date: September 2, 2025

VERIFICATION

I, Nicole M. Paloney, being Director of Rates and Regulatory Affairs of Columbia Gas of Pennsylvania, Inc., hereby state that the facts above set forth 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. § 4904 (relating to unsworn falsification to authorities).

Date: September 2, 2025



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

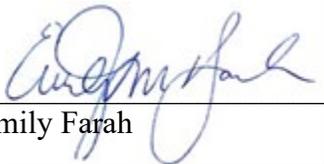
CERTIFICATE OF SERVICE

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

VIA ELECTRONIC MAIL ONLY

Harlan Talkington/LIU LLC
345 Regis Avenue
Suite 1
Pittsburgh, PA 15236
Email Address: htrademark@comcast.net

Dated this 2nd day of September, 2025.



Emily Farah