

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Charlene Johnson	:	
	:	C-2025-3054975
v.	:	
	:	
Peoples Natural Gas Company LLC	:	

**INTERIM ORDER
GRANTING IN PART AND DENYING IN PART THE
PRELIMINARY OBJECTIONS OF PEOPLES NATURAL GAS COMPANY LLC**

On April 22, 2025, Charlene Johnson (Complainant or Ms. Johnson) filed a Formal Complaint (Complaint) against Peoples Natural Gas Company LLC., (Peoples or Respondent) alleging property damage at a house located at 749 Griffith Street, Aliquippa, PA 15003 (property, service address or service location) resulting from actions of is the fault of Respondent. Complainant was identified on the Complaint form as Terrell Taylor – Charlene Johnson. The verification was signed Charlene Johnson c/o Terrell Taylor.

The Complaint alleges that on November 19, Ms. Johnson called Peoples to have gas turned on at the service address and asked for a 15 minute call. She averred Respondent did not call and when Complainant called back, she was told the gas was on. Complainant said she asked if Respondent checks the stove and was told no. Complainant averred the gas was not turned on and pipes in the house subsequently broke, causing significant damage to the property. Complainant averred she paid Respondent \$145.94.

For relief, Complainant requests that Respondent pay for all of the damage to the house resulting from the broken pipes.

On May 29, 2025, Respondent filed an Answer to the Complaint and Preliminary Objections. In its Answer, Respondent essentially denies the material allegations set forth in the Complaint and denies liability to Complainant.

In its Preliminary Objections, Respondent avers it is unclear what Complainant's ownership interest is in the Property, if any, and that it appears that the Complaint was filed by the Complainant on behalf of her son and that Complainant does not reside at the property. Respondent avers Complainant seeks compensatory damages for the alleged losses, including repairs of all damage to the Property due to an alleged ruptured water pipe. Respondent argues the requested relief is essentially a request for monetary compensation or other consideration being paid to Complainant and/or her son or the owner of the Property.

On June 27, 2025, this case was assigned to the undersigned presiding officer for disposition of the preliminary objections filed in this proceeding.

Respondent, in its preliminary objections, objects to the Complaint on the grounds that the subject matter of the complaint is beyond the jurisdiction of the Public Utility Commission (Commission). Respondent argues the Commission is without authorization to grant the Complainant's request for damages, and the Complaint includes impertinent matter in its requested relief. Therefore, Peoples moves to strike the Complainant's request for compensation.

In the Complaint, the Complainant seeks compensatory damages for the alleged losses, including repairs of all alleged damages to the Property due to an alleged ruptured water pipe. The requested relief is essentially a request for monetary compensation being paid to Complainant.

Complainant did not file a response to the Answer or Preliminary Objections.

The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code § 5.101(a) as follows:

- (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.

Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice.¹ Respondent argues that requested relief sought through the Formal Complaint is an award of monetary damages from the Company.

Additionally, the Commission's procedural regulations allow a party to object to pleadings that fail to comply with the rules of administrative practice or that include scandalous or impertinent matters. See 52 Pa. Code § 5.102(a)(2).

¹ *Equitable Small Transportation Intervenors v. Equitable Gas Company*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994).

It is well-established under Pennsylvania law that the enforcement powers of the Commission do not include the power to award money damages.²

In *Feingold*, the Pennsylvania Supreme Court explained:

. . . the statutory array of PUC remedial and enforcement powers does not include the power to award damages to a private litigant for breach of contract by a public utility. Nor can we find an express grant of power from which the power to award such damages can be fairly implied. Thus, it can be concluded that the Legislature did not intend for the PUC to have such a power.³

The Court of Common Pleas retains original jurisdiction over suits for monetary damages.⁴

Respondent correctly argues that a prayer for damages, which is not legally recoverable in the cause of action, is “impertinent matter” in the sense that it is irrelevant to that cause of action, and is correctly challenged through a motion to strike the requested relief as impertinent matter.⁵

Additionally, in accordance with Pennsylvania law, this Commission does not have the power to award monetary damages and the Complainant’s request for money damages, as impertinent matter, must be stricken within the use and meaning of Commission regulation at 52 Pa. Code § 5.101(a)(2).

Under Pennsylvania law, this Commission does not have jurisdiction to hear and award money damages and accordingly, Complainant’s request for relief, to the extent that it requests money damages will be dismissed.

² *Elkin v. Bell Tel. Co. of PA.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1978); see *Nagy v. Bell Tel. Co. of PA.*, 436 A.2d 701 (Pa. Super. 1981).

³ *Feingold*, 383 A.2d at 794.

⁴ *Behrend, supra.*

⁵ *Third Avenue Realty Limited Partners v. Pennsylvania-American Water Co.*, Docket No. C-2010-2167286 (Final Order entered September 30, 2010) (citing *Hudock v. Donegal Mut. Ins. Co.*, 264 A.2d 668 (Pa. 1970)).

The Commission does have broad powers to supervise and regulate all public utilities doing business within the Commonwealth and is empowered to determine whether a public utility is providing safe, adequate and reasonable service.⁶ The Commission may impose civil penalties upon a utility which is found to be in violation of a statute, regulation or order of the Commission.⁷ Utility service is not limited to the provision of service and includes “any and all acts” related to that function.⁸

To the extent that Complainant has asserted a service-related complaint against Respondent, Complainant may attempt to introduce testimony and exhibits at the evidentiary hearing in this case regarding alleged damages sustained relative to the alleged incident and with respect to the alleged actions or failure to act by Respondent or its agents, as it relates to service and/or safety issues.

Accordingly, the request to dismiss Complainant’s claim for the award of money damages is granted, however, Complainant may be permitted to introduce any admissible evidence, if appropriate, as it relates to alleged service-related conduct of the Respondent and damages sustained thereby.

THEREFORE,

IT IS ORDERED:

1. That the preliminary objections of Respondent, Peoples Natural Gas Company LLC are granted in part and denied in part. Respondent’s motion to dismiss Complainant’s request for money damages from the formal complaint filed by Complainant is granted.

⁶ 66 Pa.C.S. §§ 501, 1501.

⁷ 66 Pa.C.S. § 3301.

⁸ 66 Pa.C.S. § 102 (defining “service”); *West Penn Power Co. v. Pa. Pub. Util. Comm’n*, 578 A.2d 75 (Pa.Cmwth. 1990); *McCall v. Pennsylvania Electric Company*, PUC Docket No. C-2009-2105240 (Initial Decision issued February 25, 2010).

2. That the preliminary objections of Peoples Natural Gas Company LLC are denied to the extent that the preliminary objections seek to prohibit Complainant from introducing any testimony or exhibits at any evidentiary hearing regarding the alleged damages, as it relates to any unreasonable service claim, subject to any objections raised prior to or raised at the hearing in this proceeding.

Date: September 25, 2025

/s/
Jeffrey A. Watson
Administrative Law Judge

**C-2025-3054975 - CHARLENE JOHNSON v. PEOPLES NATURAL GAS COMPANY
LLC**

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Served via eService – September 25, 2025

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