

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ronald Ferragonio	:	
	:	
v.	:	C-2025-3058368
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**INTERIM ORDER
GRANTING RESPONDENT’S PRELIMINARY OBJECTION**

On November 6, 2025, Ronald Ferragonio (Mr. Ferragonio or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission), using the Formal Complaint form. Regarding the reason for the Complaint, Mr. Ferragonio indicated he was having a reliability, safety or quality problem with his utility service, specifically Columbia Gas of Pennsylvania, Inc. (Columbia or Respondent). Complaint ¶ 4. Complainant indicated that he wanted the Complaint to be resolved by Responding paying “\$6,500 for my damage.” *Id.* ¶ 5. Mr. Ferragonio asserted in his Complaint that he wanted to be served by the Commission via First-Class Mail using the mailing address provided in the Complaint. *Id.* ¶ 9.

On November 25, 2025, Respondent filed a Preliminary Objection and Answer to the Complaint. In its Answer, Respondent denied Complainant had a reliability, safety or quality problem with his service. Answer ¶ 4. Respondent requested that the Complaint be dismissed with prejudice. In its Preliminary Objection, Respondent averred Complainant seeks monetary damages, and that the Commission does not have jurisdiction to award damages. Preliminary Objection ¶¶ 2 and 6. Respondent requested that the Commission sustain the Preliminary Objection and dismiss the Formal Complaint with prejudice based on a lack of jurisdiction. Respondent’s Preliminary Objection included a Notice to Plead.

On January 6, 2026, the Commission issued a Motion Judge Assignment assigning this matter to me for resolution of the Preliminary Objection.

It is now appropriate to rule on the Preliminary Objection.

Discussion

Commission regulations permit the filing of preliminary objections. 52 Pa.Code §§ 5.101(a)(1)-(7). Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

Commission regulations provide as follows:

§ 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.

In deciding preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of Complainant, recovery or relief is possible. *Dep't of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa.Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105, 1108 (Pa.Cmwlth. 1996). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Boyd v. Ward*, 802 A.2d 705, 707 (Pa.Cmwlth. 2002). All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Employees' Retirement Bd.*, 690 A.2d 1312, 1314 (Pa.Cmwlth. 1997).

A preliminary objection can be granted only if recovery or relief is not possible after all of Complainant's averments in the complaint are viewed as true for purposes of deciding the preliminary objection, using only those facts specifically admitted.

In the present case, Respondent asserts that the Commission lacks jurisdiction over Complainant's request for monetary damages. It is well established under Pennsylvania law that the enforcement powers of the Commission do not include the power to award money damages. *Elkin v. Bell Tel. Co. of PA., Co. of Pa. PA.*, 420 A.2d 371, 375 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791, 794 (Pa. 1978) (*Feingold*); see *Nagy v. Bell Tel Co. of PA.*, 436 A.2d 701, 704 (Pa. Super. 1981).

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 damages

can be fairly implied. Thus, it can be concluded that the Legislature did not intend for the PUC to have such a power.

Feingold, 383 A.2d at 794.

Complainant seeks monetary compensation in the amount of \$6,500. Based on the foregoing, Respondent's Preliminary Objection is granted with regard to Complainant's request for monetary damages. Complainant's request for monetary damages is struck from the Complaint.

Although Complainant requested relief in the form of monetary damages, he also indicated he was experiencing a reliability, safety, or quality problem with his utility service. Therefore, while Respondent's Preliminary Objection regarding the portion of the Complaint that requests damages is granted, the remaining issues raised still must be addressed. The remaining claims raised in the Complaint are appropriate to move forward at this stage of the litigation, and this matter will be referred to the Mediation Unit.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by Columbia Gas of Pennsylvania is granted, insofar as the requests for monetary damages in the Formal Complaint filed by Ronald Ferragonio at Docket Number C-2025-3058368 are struck from the Complaint.
2. That the matter shall be referred to the Mediation Unit for further action.

Date: January 15, 2026

/s/
Ann Quimby
Administrative Law Judge

C-2025-3058368 - RONALD FERRAGONIO v. COLUMBIA GAS OF PENNSYLVANIA INC

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