

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kurt Knapp	:	
	:	
v.	:	F-2025-3058237
	:	
Philadelphia Gas Works	:	

ORDER
GRANTING PRELIMINARY OBJECTION
AND SETTING THE CASE FOR A HEARING

On October 30, 2025, Kurt Knapp (Mr. Knapp or Complainant) filed a Formal Complaint against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission). In his Complaint, Mr. Knapp alleged that PGW threatened to shut off his service or has already shut off his service; that he would like a payment agreement; that there are incorrect charges on his bill and that he is having a reliability, safety or quality problem with his utility service. Complaint ¶ 4. For relief, Mr. Knapp requested that the shut off by PGW be immediately reversed, that PGW provide regulation documentation regarding the formal process prior to shutting off his utility, a payment plan, reimbursement for re-doing stagnant hot water piping and plumbing, reimbursement for bird heaters and bird cleaner spray, reimbursement for increased electricity costs, reimbursement for human therapy sessions, full explanation for billing errors, lost wages, and reimbursement for “loss of life” of heating equipment. Complaint ¶ 5.

On November 19, 2025, PGW filed an Answer with New Matter to the Complaint. In its Answer, PGW stated that on August 6, 2025, Mr. Knapp’s service was terminated, and that Mr. Knapp seeks a payment arrangement. PGW denied that there are incorrect charges on the bill for the service at the Service Address and that there is a reliability, safety or quality problem with the utility service at the Service Address. Answer ¶ 4.

In its New Matter, properly endorsed with a Notice to Plead, PGW asserted that to

the extent that Mr. Knapp seeks an award of damages against PGW for his claim seeking reimbursement, in an unspecified amount, for damaged personal property, for pet supplies and for human and avian therapy sessions, such relief is beyond the power of the Commission to order. PGW concluded its Answer with New Matter by requesting dismissal of the Complaint.

Pursuant to 52 Pa. Code § 5.63, Mr. Knapp had twenty (20) days from the date of service to file an answer to the New Matter. As of the date of this Order, Mr. Knapp has not filed an answer.

Also on November 19, 2025, PGW filed a Preliminary Objection to the Complaint, properly endorsed with a Notice to Plead. In its Preliminary Objection, PGW seeks dismissal of the Complaint's claims for damages, pursuant to 52 Pa. Code § 5.101(a)(1) and (a)(2), arguing that the Commission lacks authority to award monetary damages.

Pursuant to 52 Pa. Code § 5.101(f)(1), Mr. Knapp had ten (10) days from the date of service to file an answer to the Preliminary Objections. As of the date of this Order, Mr. Knapp has not filed an answer to PGW's Preliminary Objection.

On January 6, 2026, the Commission issued a Motion Judge Assignment Notice, assigning me as Presiding Officer over this proceeding.

PGW's Preliminary Objection is procedurally ready to be ruled upon. For the reasons discussed below, the Preliminary Objection will be granted.

DISCUSSION

PGW in this matter filed a Preliminary Objection to the Formal Complaint. The Commission's regulations provide that preliminary objections are available to parties and may be filed in response to a pleading. 52 Pa. Code § 5.101(a). The grounds for preliminary objections are limited to those set forth 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.

52 Pa. Code § 5.101(a).

Commission procedure regarding the disposition of preliminary objections is similar to the procedure utilized in Pennsylvania civil practice. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Pennsylvania State Lodge, Fraternal Order of Police v. Dept. of Conservation & Natural Resources*, 909 A.2d 413 (Pa. Cmwlth. 2006), *aff'd*, 592 Pa. 304, 924 A.2d 1203 (2007).

The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the complaint in this case in the light most favorable to the Complainant and should dismiss the complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994). PGW asserts that the Commission does not have jurisdiction over claims seeking reimbursement, in an unspecified amount, for damaged personal property, for pet supplies and for human and avian therapy sessions, pursuant to 52 Pa. Code § 5.101(a)(1). The law supports the position of PGW.

The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *Tod and Lisa Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977). The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa.Super. 1945). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa.Cmwlth. 1992) *alloc. denied* 637 A.2d 293 (Pa. 1993).

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.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1978). The Commission cannot award the reimbursement sought by Mr. Knapp here. *See Morrow v. Bell Telephone Co. of Pa.*, 330 Pa.Super. 276, 479 A.2d 548 (1984); *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 104 Pa.Cmwlth. 21, 521 A.2d 75 (1987); *Ostrov v. I.F.T., Inc.*, 402 Pa.Super. 87, 586 A.2d 409 (1991). A request for monetary damages must be pursued before a Magisterial District Justice or a Court of Common Pleas.

The Commission has jurisdiction over the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. The offense alleged must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. See, 66 Pa.C.S. §701. Complainant's Complaint with regard to any issues associated with reimbursement for damaged personal property, for pet supplies and for human and avian therapy sessions are outside of the PUC's jurisdiction and do not apply to PGW in its capacity as a Public Utility Company.

Given that the Commission does not have jurisdiction over damages claims, the Preliminary Objection will be granted, and the portions of the Complaint seeking reimbursement for damaged personal property, for pet supplies and for human and avian therapy sessions will be dismissed. This Order does not dismiss the Complaint in its entirety; therefore, a hearing will be held on the other matters raised in the Complaint.

F-2025-3058237 - KURT KNAPP v. PHILADELPHIA GAS WORKS

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