

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Flanders	:	
	:	
v.	:	C-2025-3058807
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INTERIM ORDER
SUSTAINING PRELIMINARY OBJECTIONS**

On November 24, 2025, Robert D. Flanders (Complainant) filed a formal complaint against FirstEnergy Pennsylvania Electric Company (Respondent) using the Formal Complaint form. Complainant, checking the “Other” box on the form, explained that utility personnel were working on his neighbor’s house, and power surges damaged his appliances. As relief, Complainant wants his appliances replaced and that the Commission direct Respondent to re-train their employees regarding appropriate safety procedures.

Respondent filed an Answer and New Matter along with Preliminary Objections on December 15, 2025. Generally, Respondent denies that the work was performed in an unsafe manner. Respondent seeks dismissal of Complainant’s claim for damages.

By notice dated January 20, 2026, the preliminary objections were assigned to me for disposition. As set forth below, Respondent’s preliminary objection will be sustained, and this matter will be set for hearing on the remaining issues.

Complainant requests that the Commission order Respondent to replace his damaged appliances. The legal basis for Respondent’s preliminary objection is that the Commission does not have jurisdiction to award damages. Preliminary objections are permitted

under Commission regulations.¹ Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections.² In deciding the preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the petitioners, recovery or relief is possible.³ 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.⁴ Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections.⁵

Respondent correctly stated in its preliminary objections that the Commission lacks authority to award monetary damages.⁶ In *Feingold*, our Pennsylvania Supreme Court explained the Commission's lack of authority to award monetary damages:

The Public Utility Law placed a broad range of subject matters under the control of the Public Utility Commission (PUC), making that agency responsible for ensuring the adequacy, efficiency, safety, and reasonableness of public utility services. Act of May 28, 1937, P.L. 1053, art. IV, *as amended*, Act of October 7, 1976, P.L. 1057, No. 215, 66 P.S. § 1171 (Supp.1977-78). The enforcement and remedial powers of the PUC, although formidable, are not those of a court. The PUC is empowered to correct, by regulation or order, abuses in the provision of service. Act of May 28, 1937, P.L. 1053, § 413, 66 P.S. § 1183 (1959). The PUC has the power to impose fines upon a public utility for violation of the Public Utility Law. Act of May 28, 1937, P.L. 1053, art. XIII, § 1301, *as amended*, Act of October 7, 1976, P.L. 1057, No. 215, § 25, 66 P.S. § 1491 (Supp.1977-78). Since the PUC is a creature of statute, it has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication. *Allegheny County Port Authority v. Pa. P. U. C.*,

¹ 52 Pa.Code § 5.101.

² *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

³ *Dept. 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 (Pa. Cmwlth. 1996).

⁴ *Ridge v. State Employees' Retirement Board*, 690 A.2d 1312 (Pa. Cmwlth. 1997).

⁵ *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002).

⁶ See *In Re: Melograne*, 812 A. 2d 1164 (Pa. 2002); *Feingold v. Bell of Pennsylvania*, 383 A.2d 791 (Pa. 1977).

C-2025-3058807 - Robert Flanders v. FirstEnergy Pennsylvania Electric Company

ROBERT FLANDERS

214 THIRD AVE

INDIANA PA 15701

724.762.3058

golfnut590@gmail.com

Served via eService 1/29/2026

MARGARET MORRIS ESQUIRE

REGER RIZZO & DARNALL

CIRA CENTRE 13TH FL

2929 ARCH STREET

PHILADELPHIA PA 19104

215.495.6524

215.870.5785

mmorris@regerlaw.com

Served via eService 1/29/2026

(Counsel for FirstEnergy Pennsylvania Electric Company)