

February 25, 2026

VIA ELECTRONIC FILING

Matthew Homsher, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Docket No. C-2026-3060287
John Barons v. Columbia Gas of Pennsylvania, Inc.
Preliminary Objections of Columbia


Dear Secretary Homsher:

Attached for filing is the Preliminary Objections of Columbia Gas of Pennsylvania, Inc. (Respondent) to the Complaint filed by John Barons (Complainant) in the above-referenced proceeding. Respondent believes this matter should be referred to the Mediation Unit.

A copy of the Preliminary Objections has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

Please do not hesitate to contact me with any questions.

Best Regards,



Scott Scheinberg

SS/jm
Enclosures

cc: John Barons

Re: Docket No. C-2026-3060287
John Barons v. Columbia Gas of Pennsylvania, Inc.
Preliminary Objections of Columbia

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 P.A. Code § 1.54 (relating to service by a participant).

Via Electronic Mail

John Barons
puncrocker@netzero.net

Dated: February 25, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Scheinberg', written over a horizontal line.

Scott Scheinberg, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Barons,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-3060287
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

NOTICE TO PLEAD

To: John Barons
4044 Noblestown Road
Oakdale, PA 15071

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that if you do not file a written response answering the enclosed Preliminary Objections of Columbia Gas of Pennsylvania, Inc. within ten (10) days from service of this notice, the facts set forth by Columbia Gas of Pennsylvania, Inc. may be deemed to be true, whereby requiring no other proof. All pleadings such as a Reply to Preliminary Objections must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy serve to counsel for Columbia Gas of Pennsylvania, Inc. Scott Scheinberg, Esq., and where applicable, the Administrative Law Judge presiding over the issue.:

File by mail or e-filing with:
Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

With a copy to:
Scott Scheinberg, Esquire
301 Grant Street, Suite 270
Pittsburg, PA 15219
SScheinberg@hilgerslaw.com

Date: February 25, 2026

Respectfully submitted,



Scott Scheinberg, Esquire (PA ID 323255)
SScheinberg@hilgerslaw.com
Counsel for Columbia Gas of Pennsylvania, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Barons,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-3060287
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

**PRELIMINARY OBJECTIONS OF COLUMBIA GAS OF PENNSYLVANIA, INC.
TO THE FORMAL COMPLAINT OF JOHN BARONS**

Columbia Gas of Pennsylvania, Inc. (“Columbia” or Respondent), by and through its attorneys, Hilgers PLLC, pursuant to 52 Pa. Code § 5.101, hereby files its Preliminary Objections to the Formal Complaint filed by John Barons (“Complainant”) in the above-captioned proceeding.

Respondent states that the issues raised in the Formal Complaint are outside the jurisdiction of the Pennsylvania Public Utility Commission (“Commission”), and that the Commission does not have the authority to award the damages requested by Complainant. Therefore, the Respondent requests that its Preliminary Objections be granted and that the Commission: (1) strike the Complainant's requests for monetary damages; (2) prohibit the Complainant from introducing any testimony or exhibits at any evidentiary hearing regarding alleged damages; and (3) grant Columbia such other relief as may be just and reasonable under the circumstances.

In support of its preliminary objections, the Respondent states as follows:

I. BACKGROUND AND PROCEDURAL HISTORY

1. Columbia is a regulated gas distribution company certified as a public utility permitted to operate within the Commonwealth of Pennsylvania. Columbia provides residential gas service in the Complainant’s name to 4044 Noblestown Road, Oakdale, PA 15071 (“Service Address”) under Account No. XXXXXXXXXXXX2002 (“Account”).

2. The Complainant filed a Formal Complaint demanding Columbia “fix the damage to the wall and make me whole” in connection with an alleged incident at the Service Address. *See* Complaint at § 5. The Complaint does not identify the date of the alleged service or explain how Columbia is alleged to have damaged the wall. However, in prior correspondence, Complainant asserted that the damage occurred on February 6, 2025.

3. The Complainant seeks an unspecified amount in compensation for damages alleged to have been incurred because of Columbia’s work at the Service Address.

4. After investigating the allegations, Columbia is unaware of how or when the alleged property damage occurred and denies performing any work at the Service Address prior to August 1, 2025.

5. In its Answer with New Matter and Affirmative Defenses, served contemporaneously with these Preliminary Objections, the Respondent denies that the Complainant is entitled to the monetary relief requested.

6. Pursuant to 52 Pa. Code§ 5.101, the Respondent objects to the Formal Complaint on the grounds that the Commission lacks jurisdiction to award monetary damages, and therefore the requested relief must be stricken.

II. ARGUMENT

7. 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.

8. Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994).

9. In this Complaint, the Complainant requests compensation for “damage to the wall” that allegedly occurred in connection with work performed at the Service Address on February 6, 2025, despite Columbia not performing work at the Service Address until August 1, 2025. Complaint at § 5.

10. Clearly, that requested relief sought through the Formal Complaint is an award of monetary damages from the Columbia.

A. Impertinent Matter

11. 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).

12. 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); *see Nagy v. Bell Tel. Co. of PA.*, 436 A.2d 701 (Pa. Super. 1981).

13. In *Feingold*, the Pennsylvania Supreme Court explained:

... the statutory an-ay 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.

Feingold, 383 A.2d at 794.

14. The Court of Common Pleas has original jurisdiction over actions seeking monetary damages. *Behrend v. Bell Telephone Co.*, 363 A.2d 1152 (Pa. Super. Ct. 1976).

15. A claim for damages that are not legally recoverable under the asserted cause of action is improper and considered “impertinent matter” because it is irrelevant to that claim. Such relief is properly challenged through a motion to strike. *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)).

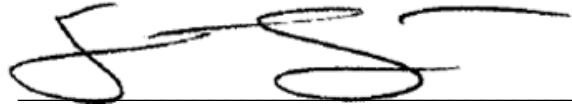
16. The damages requested by Complainant are not relevant to the cause of action asserted here and therefore constitute “impertinent matter.”

17. Accordingly, under Pennsylvania law, this Commission lacks the authority to award monetary damages, and Complainant’s request for such relief must be stricken pursuant to 52 Pa. Code§ 5.101(a)(2).

WHEREFORE, Respondent, Columbia Gas of Pennsylvania, Inc., respectfully requests that the request for monetary damages be stricken from the Formal Complaint filed by John Barons for lack of subject matter jurisdiction.

Date: February 25, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Scheinberg', written over a horizontal line.

Scott Scheinberg, Esquire (PA ID 323255)

HILGERS PLLC

301 Grant Street, Suite 270

Pittsburg, PA 15219

Phone: 412-443-2550

SScheinberg@hilgerslaw.com

Counsel for Columbia Gas of Pennsylvania,

Inc.

VERIFICATION

I, Ribeka S. Danhires, Manager of Rates & Regulatory Service for 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: 2/25/2026



Ribeka S. Danhires
Ribeka S. Danhires
Manager of Rates & Regulatory Service
Columbia Gas of Pennsylvania, Inc.