

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Travis McCain	:	
	:	
v.	:	C-2026-3059641
	:	
UGI Utilities Inc. – Gas Division	:	

ORDER
GRANTING UGI UTILITIES INC.’S
PRELIMINARY OBJECTION

This Order grants the preliminary objection of UGI Utilities Inc. – Gas Division (UGI or Company). Because the Pennsylvania Public Utility Commission (Commission) does not have the authority to award monetary damages as a remedy that portion of the Formal Complaint (Complaint) will be dismissed. However, this Order also directs that a hearing will be scheduled and held on the claims raised in the Complaint.

History of the Proceeding

On January 7, 2026, Travis McCain (Mr. McCain or Complainant) filed a Complaint against the Company.¹ Mr. McCain checked “other” as the reason for his Complaint and explained:

This complaint concerns a gas leak at my residence involving UGI Utilities on or about November 14-18. Due to the gas leak, the fire department was dispatched and forced entry into my home while I was not present. Firefighters conducted a safety sweep of the residence, including gas readings, and then left. As a result, my door was damaged, my home was entered without my presence, my dog was inside the house at the time, and I had to leave school because of the incident.

¹ The Secretary’s Bureau served the Complaint on January 8, 2026.

Complaint ¶ 4.

As relief, the Complainant indicated:

I am requesting that the Pennsylvania Public Utility Commission review UGI Utilities' handling of the gas leak incident and order UGI to provide appropriate compensation for the damage and disruption caused. This includes reimbursement for the forced entry and damage to my door, recognition of the seriousness of the gas leak that required an emergency firefighter response, and a resolution that goes beyond \$100 bill credit offered by UGI. I also request that UGI be directed to properly document the incident, acknowledge the safety implications, and ensure that similar incidents are handled appropriately in the future.

Complaint ¶ 5.

On January 28, 2026, UGI filed an Answer that either admitted or denied the various material allegations of the Complaint. Answer ¶ 4.

Also on January 28, 2026, UGI filed a Preliminary Objection. In its Preliminary Objection, the Company requests that the portion of the Complaint pertaining to a request for monetary reimbursement be stricken from the Complaint. UGI avers that under Section 5.101(a)(2) of the Commission's regulations, a request for damages constitutes impertinent matter which should be stricken because the Commission does not have the authority to award monetary damages. *See* 52 Pa. Code § 5.101(a)(2).

A notice to plead appropriately accompanied the Preliminary Objection.

Mr. McCain did not file an answer to UGI's Preliminary Objection.

On February 25, 2026, a Motion Judge Assignment Notice was issued informing the parties that I was assigned as the Presiding Officer responsible to resolve any issues which may arise during the preliminary phase of the proceeding. UGI's Preliminary Objection is now ready for disposition.

Discussion

The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections and provides:

§ 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(a) (emphasis added).

In deciding preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible. *Dep't of Auditor General v. State Employees' Ret. System*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (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 (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' Ret. Bd.*, 690 A.2d 1312 (Pa. Cmwlth. 1997). Therefore, the primary focus is on whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible. *Id.*

Additionally, as a matter of law, to establish a legally sufficient claim, a complainant must show that the named utility company is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). The offense must be a violation of the Pennsylvania Public Utility Code (Code), a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701. A finding of a violation of a Commission Order, regulation, or statute, by the public utility may result in the imposition of a civil penalty on the public utility company, consistent with Section 3301, 66 Pa.C.S. § 3301, or other provisions of the Code.

In the instant case, Mr. McCain alleges in his Complaint that UGI incorrectly documented the incident surrounding a detected gas leak, which UGI disputes. This claim of unreasonable service is cognizable under the Code and Commission Regulations.² Therefore, since there is a factual dispute as to these allegations, the Complainant should be afforded the opportunity to present evidence on his claims and prove them by a preponderance of the evidence. *See Carlock v. United Tel. Co. of Pa.*, Docket No. F-00163617 (Order entered July 14, 1993) (*Carlock*) (holding that, in general, a *pro se* complainant may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe his basic issue and supporting facts).

However, even *assuming arguendo* that Mr. McCain proves that the Company violated the Code, Commission regulation or order or a violation of its Commission-approved

² For example, *see* 66 Pa.C.S. § 1501 (providing that every public utility must provide reasonable service); *Peterson v. PECO Energy Co.*, Docket No. C-2016-2572890 (Opinion and Order entered Aug. 16, 2017); *Horn v. Pa. American Water Co.*, Docket No. C-2024-3046231 (Opinion and Order entered Apr. 24, 2025); *Harpster v. PPL Elec. Util. Corp.*, Docket No. C-2024-3052644 (Opinion and Order entered Jan. 7, 2026).

tariff, the Commission cannot award Mr. McCain monetary compensation as relief. Although this Commission has general jurisdiction over the rates and services of public utilities operating in Pennsylvania, the Commission only has the powers and authority granted to it by the General Assembly in the Code. Nothing in the Code confers jurisdiction upon the Commission to award monetary damages. *Feingold v. Bell*, 383 A.2d 791 (Pa. 1977) (*Feingold*); *DeFrancesco v. W. Pa. Water Co.*, 453 A.2d 595 (Pa. 1982); *Elkin v. Bell of Pa.*, 420 A.2d 371 (Pa. 1980).

Rather, monetary damage payments must be pursued and ordered by a court of competent jurisdiction, such as a county court of common pleas or magisterial district justice, not the Commission. *Feingold*. A finding, if any, that UGI violated a Commission Order, regulation or statute, may result in the imposition of a civil penalty, but does not require it, consistent with Section 3301 or other provision of the Code. Further, it should be noted that a fine, if any, that is imposed on UGI is payable to the Commonwealth of Pennsylvania, not the customer—Mr. McCain, in this instance.

Therefore, to the extent that Mr. McCain seeks compensatory damages for reimbursement, UGI's preliminary objection will be sustained because the Commission does not have the authority to award monetary damages.

However, viewing the Complaint in the light most favorable to Mr. McCain as the non-moving party and accepting as true every well-pleaded material fact in the Complaint, as well as every reasonable inference from those facts, Mr. McCain raised issues of fact as to the reliability, safety or quality of utility service provided by UGI. I find that there is a sufficient basis to proceed to a hearing where Mr. McCain will have the opportunity to provide testimony and evidence, as he must, to carry his burden of proof in support of his position. *See Carlock*. These issues lie within the jurisdiction of the Commission and will not be dismissed on the preliminary objection but will proceed forward for adjudication.

Thus, a hearing will be scheduled by a separate Hearing Notice on the claims raised in the Complaint and over which remedies the Commission does have authority. 66 Pa.C.S. §§ 102, 1501.

C-2026-3059641 - TRAVIS MCCAIN v. UGI UTILITIES INC - GAS DIVISION

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