

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Carly Lapiers	:	
	:	
v.	:	C-2025-3059273
	:	
Interstate Gas Supply, LLC d/b/a IGS Energy	:	

**INTERIM ORDER SUSTAINING RESPONDENT'S
PRELIMINARY OBJECTION**

On December 11, 2025, Carly Lapiers (Complainant) filed a Formal Complaint against Interstate Gas Supply, LLC d/b/a IGS Energy (IGS or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed a checkmark in the boxes marked “I am having a reliability, safety or quality problem with my utility service,” and “[o]ther,” next to which the Complainant referenced concerns related to a solar system that was installed on her property and safety and quality of service. The Complainant requested that the Commission require an independent inspection of the system.

On January 5, 2026, the Respondent filed an Answer and New Matter denying that there is a reliability, safety or quality issue with the service provided to the service address and indicated that the Commission lacks jurisdiction in this matter.

Also on January 5, 2026, the Respondent filed a Preliminary Objection requesting that the Complainants’ Formal Complaint be dismissed. The Respondent asserts that the Commission lack jurisdiction in this matter. Preliminary Objection also argues that the Complaint should be dismissed for legal insufficiency in that the relief requested is not available and that there was a failure to state a claim upon which relief can be granted.

On January 15, 2026, the Complainant filed a response to the Respondent's Preliminary Objection and reply to the Answer and New Matter. In the Response, the Complainant indicates there are factual questions that need to be addressed at a hearing. She notes that there is a factual dispute as to whether IGS is the proper party to this matter since it is the parent company. Further, the Complainant maintains that there are factual issues related to the quality of service that was provided, including interconnection to the electric grid and net metering. The Complainant also addressed several matters from the Respondent's Answer and New Matter.

By Motion Judge Assignment Notice dated January 23, 2026, IGS's Preliminary Objection was assigned to me.

For the reasons set forth below, the Respondent's Preliminary Objection are denied at this time, and the Complainant is directed to file an Amended Complaint.

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:

§ 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 the complainant, recovery or relief is possible. *Dep't of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa.Cmwlt. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa.Cmwlt. 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.Cmwlt. 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 (Pa.Cmwlt. 1997).

A preliminary objection can be granted only if recovery or relief is not possible after all of the 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, the Complainant placed a checkmark in the boxes marked "I am having a reliability, safety or quality problem with my utility service," and "[o]ther," next to which the Complainant referenced concerns related to a solar system that was installed on her property and safety and quality of service. The Complainant requested that the Commission require an independent inspection of the system.

In its Answer, the Respondent denied that there is a reliability, safety or quality issue with the utility service provided to the service address and denied that the Commission had jurisdiction in this matter. In its Preliminary Objection, the Respondent asserts that the Commission lack jurisdiction in this matter. Preliminary Objection also argues that the Complaint should be dismissed for legal insufficiency in that the relief requested is not available and that there was a failure to state a claim upon which relief can be granted.

As a creature of legislation, the Commission possesses only the authority the State Legislature has specifically granted to it in the Public Utility Code (the “Code”), 66 Pa. C.S. §§ 101, *et seq.* Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. *Feingold v. Bell of Pa.*, 383 A.2d 1191 (Pa. 1977); *Allegheny County Port Authority v. Pa. P.U.C.*, 237 A.2d 602 (Pa. 1967). *Behrend v. Bell of PA*, 390 A.2d 233 (Pa. Super. 1978); *Pa. Department of Highways v. Pa. P.U.C.*, 182 A.2d 267 (Pa. Super. 1962); *City of Erie v. Pa. Electric Co.*, 383 A.2d 575 (Pa.Cmwlth. 1978).

However, in her response to the Preliminary Objection, the Complainant indicates there are factual questions that need to be addressed at a hearing. She notes that there is a factual dispute as to whether IGS is the proper party to this matter since it is the parent company. Further, the Complainant maintains that there are factual issues related to the quality of service that was provided, including interconnection and net metering.

Further, the Commission has expressed the concern that, in general, complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts. In this vein, it would be inappropriate to grant the Company’s Preliminary Objection at this point.

On the other hand, the Respondent must have an opportunity to understand and respond in a meaningful way to the Formal Complaint. The Commission’s rules of procedure permit the Commission to direct a more specific pleading.¹ Therefore, the Complainant is

¹ 52 Pa. Code § 5.93. *See also* 52 Pa. Code § 5.101(e).

directed to file an amendment to her Complaint which includes more details regarding the nature of the dispute with the Respondent, how the Commission has over jurisdiction in her dispute with the Respondent and states with specificity what she would like the Commission to do to resolve this dispute that is within the Commission jurisdiction. In the event that the Complainant fails to comply with this Order, the Respondent may file an appropriate motion to seek dismissal of the Complaint.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by Interstate Gas Supply, LLC d/b/a IGS Energy in the matter of Carly Lapier vs. Interstate Gas Supply, LLC d/b/a IGS Energy at Docket No. C-2025-3059273 is denied at this time;

2. That Carly Lapier shall file and serve an Amended Complaint which sets forth additional facts, and complies with the instructions in this Order, in support of the Complainant's allegations against Interstate Gas Supply, LLC d/b/a IGS Energy on **or before April**

8, 2026. A copy of the Amended Complaint shall be served on counsel for Interstate Gas Supply, LLC d/b/a IGS Energy and on the undersigned Administrative Law Judge.

3. That upon timely filing and service of an Amended Complaint by Carly Lapier, Interstate Gas Supply, LLC d/b/a IGS Energy shall timely file and serve a responsive pleading.

4. That if an Amended Complaint is not filed in compliance with this Order by Carly Lapier, then Interstate Gas Supply, LLC d/b/a IGS Energy may file an appropriate motion to seek the dismissal of the Formal Complaint.

Date: March 19, 2026

_____/s/
Marta Guhl
Administrative Law Judge

C-2025-3059273 - CARLY LAPIERS v. INTERSTATE GAS SUPPLY, LLC

CARLY LAPIERS
207 HAND STREET
JESSUP PA 18434
570.335.4690
carlyangeli@gmail.com
Served via eService March 19, 2026

TODD S. STEWART ESQUIRE
HMS LEGAL LLP
501 CORPORATE CIRCLE, SUITE 302
HARRISBURG PA 17110
717.236.1300
717.236.4841 (fax)
tsstewart@hmslegal.com
Served via eService March 19, 2026
(Counsel for Interstate Gas Supply, LLC)