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File #: 218477

March 26, 2026

VIA ELECTRONIC FILING

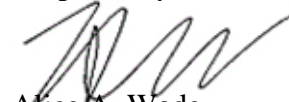
Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Melissa Holton v. UGI Utilities Inc. – Gas Division
Docket No. F-2026-3060928

Dear Secretary Homsher:

Attached please find the Preliminary Objections of UGI Utilities Inc. – Gas Division to the Complaint of Melissa Holton for filing in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Alice A. Wade

AAW/bfc
Attachments

cc: Certificate of Service

CERTIFICATE OF SERVICE

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

VIA EMAIL

Melissa Holton
P.O. Box 154
Lehighon, PA 18235
Melsdatruth08@yahoo.com

Dated: March 26, 2026



Alice A. Wade

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Melissa Holton,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. F-2026-3060928
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,



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Date: March 26, 2026

Counsel for UGI Utilities, Inc. – Gas Division

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Melissa Holton,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. F-2026-3060928
	:	
UGI Utilities, Inc. – Gas Division,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTIONS OF
UGI UTILITIES, INC. – GAS DIVISION TO THE
COMPLAINT OF MELISSA HOLTON**

AND NOW, comes UGI Utilities, Inc. – Gas Division (“UGI Gas”) and hereby files these Preliminary Objections, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Complaint filed by Melissa Holton (“Complainant”) be dismissed in its entirety as against UGI Gas. In support thereof, UGI Gas states as follows:

I. BACKGROUND

1. UGI Gas is a “public utility” and a “natural gas distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2202, subject to the regulatory jurisdiction of the Commission.

2. UGI Gas provides natural gas distribution service to approximately 650,000 customers, located primarily in south, central, and northeastern Pennsylvania.

3. By Secretarial Letter dated Friday, March 6, 2026, UGI Gas was served with the above-captioned Complaint. In the Complaint, the Complainant alleges that there is a foreign load at her residence. (Complaint ¶ 4.) As relief, the Complainant requests, that she wants “them” to acknowledge the foreign load and for “the property manager to pay for basically scamming” her. (Complaint ¶ 5.)

4. UGI Gas herein files these Preliminary Objections to the Complaint. For the reasons explained below, UGI Gas respectfully requests that the Complaint be dismissed in its entirety and with prejudice as against UGI Gas for legal insufficiency pursuant to Sections 5.101(a)(1), 5.101(a)(2) and 5.101(a)(4) of the Commission’s regulations, 52 Pa. Code §§ 5.101(a)(1), 5.101(a)(2), 5.101(a)(4).

II. STANDARD OF REVIEW

5. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (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).

6. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)); accord *Complaint of Nat'l Fuel Gas Distrib. Corp. and Petition for an Order to Show Cause*, Docket No. P-00072343 (December 26, 2007). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

7. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. See *Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. See *Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTIONS

A. PRELIMINARY OBJECTION NO. 1 – THE COMPLAINT RAISES A PRIVATE CONTRACTUAL DISPUTE OVER WHICH THE COMMISSION LACKS SUBJECT MATTER JURISDICTION (52 PA. CODE § 5.101(A)(1), (4))

8. UGI Gas incorporates by reference Paragraphs 1 through 7 as if fully set forth herein.

9. In the Complaint, the Complainant refers to a dispute with her property manager, to include allegations that her property manager has failed to remediate her alleged foreign load issue, and an ongoing eviction proceeding. (Complaint ¶ 4.) Indeed, a significant portion of the

Complaint appears to be an attempt to relitigate an eviction proceeding that, on information and belief, is docketed at MJ-45102-LT-0000192-2025.

10. It is well-established that the Commission lacks subject matter jurisdiction over private contractual disputes. *See Pettko v. Pa. Am. Water Co.*, 39 A.3d 473, 478 n.9 (Pa. Cmwlth. 2012) (“[T]here can be no dispute that the courts of common pleas have subject matter jurisdiction over common law claims such as conversion and breach of contract involving private individuals and businesses.”); *Adams v. Pa. PUC*, 819 A.2d 631, 635 (Pa. Cmwlth. 2003) (“[T]he PUC lacks jurisdiction over private contractual disputes.”).

11. Rather, jurisdiction over such private contractual disputes lies with the Pennsylvania courts of common pleas. *See Pettko*, 39 A.3d at 478 n.9.

12. Relatedly, the Commission has held that it is “well-settled law that the Commission has no jurisdiction over lease agreement disputes between landlords and tenants” *Glen DeHaven v PECO Energy Company*, Docket No. C-2017-2585680, 2019 Pa. PUC LEXIS 27, *8 (Opinion and Order Jan. 17, 2019).

13. Thus, the Complaint should be dismissed because the Commission lacks subject matter jurisdiction over the Complainant’s dispute with her property manager.

B. PRELIMINARY OBJECTION NO. 2 – THE COMPLAINT IS LEGALLY INSUFFICIENT AND SHOULD BE DISMISSED WITH PREJUDICE AS AGAINST UGI GAS BECAUSE THE COMPLAINT FAILS TO ALLEGE ANY VIOLATIONS BY UGI GAS

14. UGI Gas incorporates by reference Paragraphs 1 through 13 as if fully set forth herein.

15. The Complaint is legally insufficient and should be dismissed with prejudice as against UGI Gas because the Complaint fails to allege any violations by UGI Gas.

16. As a matter of law, the Complainant must show that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa PUC 196, 1990 Pa. PUC LEXIS 19, at *8 (Order entered Feb. 8, 1990) (citing *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976)).

17. When “the Complaint fails to state a claim against the named respondent upon which the Commission may grant relief,” the Complaint is “insufficient as to substance,” and the “Respondent is entitled to judgment as a matter of law.” *Stabley v. Phila. Gas Works*, Docket No. F-2010-2186368, 2010 Pa. PUC LEXIS 231, at *6 (July 29, 2010) (Initial Decision), *adopted without modification*, (Order entered Oct. 1, 2010); *see Coggins v. UGI Cent. Penn Gas Inc.*, Docket No. C-2012-2312796, 2012 Pa. PUC LEXIS 1497 (Sept. 10, 2012) (Initial Decision), *adopted without modification*, (Order entered Nov. 9, 2012).

18. In the Complaint, the Complainant alleges that there is a foreign load that her landlord or property manager has failed to acknowledge and that her property manager has denied UGI Gas access to fully investigate this issue. (Complaint ¶ 4.) She requests that the Commission direct her property manager to pay for “scamming” her. (Complaint ¶ 5.)

19. The Complaint does not seem to make a factual averment of wrongdoing by UGI Gas.

20. Further, as stated in UGI Gas’ Answer to the Complaint, UGI Gas was able to trace the fuel lines from the Complainant’s meter and confirmed that they service her water heater, boiler, and stove and that no foreign load was identified. (Answer ¶4.)

21. This is a Complaint not against UGI Gas, but against the Complainant’s property manager and/or landlord.

22. The Complaint does not allege that UGI Gas violated the Public Utility Code, the Commission's regulations, a Commission order, or the Company's Commission-approved tariff.

23. Therefore, the Complainant has failed to state a claim against UGI Gas upon which the Commission may grant relief.

24. Accordingly, the Complaint should be dismissed in its entirety and with prejudice as against UGI Gas.

C. PRELIMINARY OBJECTION NO. 3 – THE COMPLAINANTS' REQUEST FOR DAMAGES SHOULD BE DISMISSED BECAUSE THE COMMISSION HAS NO POWER TO AWARD DAMAGES

25. UGI Gas incorporates by reference Paragraphs 1 through 23 as if fully set forth herein.

26. The portion of the Complaint requesting damages should be dismissed because the Commission cannot award damages.

27. In the Complaint, the Complainants request, among other things, that her property manager "pay for basically scamming" her. (Complaint ¶ 5.)

28. It is well-established that the Commission does not have authority to order a public utility to pay damages, as requested by the Complainants. *See DeFrancesco v. W. Pa. Water Co.*, 453 A.2d 595, 596-97 (Pa. 1982); *Elkin v. Bell of Pa.*, 420 A.2d 371, 375 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791, 794-95 (Pa. 1977). Further, as discussed *supra*, the Commission does not have jurisdiction over private contractual disputes.

29. Here, the Complainants' request for damages is impertinent matter "in the sense that it is irrelevant to [the] cause of action" because the Commission lacks authority to award damages. *See Stoner v. PPL Elec. Utils. Corp.*, Docket No. C-2013-2385588, p. 3 (Nov. 14, 2013 (order sustaining preliminary objections)).

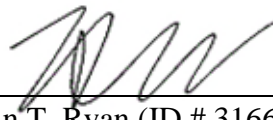
30. Indeed, requests for damages are regularly stricken from complaints as being impertinent matter. *See, e.g., id.* at pp. 3, 5; *Powell v. Verizon Pa., Inc.*, Docket No C-2011-226876, 2011 Pa. PUC LEXIS 652, at *8-9, 16-17 (Dec. 21, 2011), *adopted by Comm'n*, 2012 PA. PUC LEXIS 374 (Order Entered Mar. 1, 2012); *J.E. Culbertson Co. v. Pa. Elec. Co.*, Docket No. C-2010-2204947, 2011 Pa. PUC LEXIS 781, at *8-9, 12 (Feb. 4, 2011), *adopted by Comm'n*, Docket No. C-2010-2204947 (Order Entered Apr. 8, 2011).

31. Therefore, consistent with longstanding Commission precedent, the Complainants' request for damages is impertinent matter and should be stricken from his Complaint pursuant to 52 Pa. Code § 5.101(a)(2).

IV. CONCLUSION

WHEREFORE, UGI Utilities, Inc. – Gas Division respectfully requests that the Complaint be dismissed in its entirety and with prejudice as against UGI Utilities, Inc. – Gas Division pursuant to 52 Pa. Code §§ 5.101(a)(1), 5.101(a)(2) and 5.101(a)(4).

Respectfully submitted,



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Date: March 26, 2026

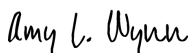
Counsel for UGI Utilities, Inc. – Gas Division

VERIFICATION

I, Amy L. Wynn, Senior Compliance Representative of UGI Utilities, Inc., hereby state that the facts above set forth 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 herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: March 26, 2026

Signed by:



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Amy L. Wynn