

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Leroy Hazlett	:	
	:	C-2026-3060483
v.	:	
	:	
FirstEnergy Pennsylvania Electric Company	:	

**FIRST INTERIM ORDER GRANTING THE
PRELIMINARY OBJECTIONS OF FIRSTENERGY PENNSYLVANIA ELECTRIC
COMPANY AND REFERRING FORMAL COMPLAINT TO THE OFFICE OF
ADMINISTRATIVE LAW JUDGE’S MEDIATION UNIT**

On February 13, 2026, Leroy Hazlett (Complainant or Mr. Hazlett) filed a Formal Complaint (Complaint) against FirstEnergy Pennsylvania Electric Company (Respondent or FE PA), alleging a power surge caused loss and damage to appliances, and that the Respondent is at fault. As relief, Mr. Hazlett requests that Respondent pay “for damages to appliances lost due to this event.” Complaint at 3. Mr. Hazlett further alleges that he lost a total of 10 items due to this event and that there was no storm or incident at the time of this event. Complaint at 3.

On March 5, 2026, FE PA filed an Answer and New Matter. FE PA denied that the outage experienced at the service location was within the Company’s control and denied that it is responsible for Mr. Hazlett’s alleged damage to his personal property. In New Matter, FE PA requests that this matter be referred to the Office of Administrative Law Judge’s Mediation Unit.

On March 5, 2026, FE PA filed Preliminary Objections. FE PA requests that Mr. Hazlett’s claim for monetary damages be stricken from the Complaint because the Commission lacks subject matter jurisdiction over this claim. FE PA argues that Complainant’s requested relief for monetary damages is irrelevant to the instant cause of action and therefore an “impertinent matter.” According to FE PA, the Court of Common Pleas maintains original jurisdiction over monetary damage claims.

Mr. Hazlett did not file a response to FE PA's New Matter or to FE PA's Preliminary Objections.

The Preliminary Objections were assigned to me as a Motion Judge Assignment on April 1, 2026, and are now ready for ruling.

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.

Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice.

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).

It is well-established under Pennsylvania law that the enforcement powers of the Commission do not include the power to award money damages.¹

In *Feingold*, the Pennsylvania Supreme Court explained:

. . . the statutory array 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.²

The Court of Common Pleas retains original jurisdiction over suits for monetary damages.³

FE PA correctly argues that a prayer for damages, which is not legally recoverable in the cause of action, is “impertinent matter” in the sense that it is irrelevant to that cause of action, and is correctly challenged through a motion to strike the requested relief as impertinent matter.⁴

The Commission does not have the power to award monetary damages and the Complainant’s request for money damages, as impertinent matter, must be stricken within the use and meaning of Commission regulation at 52 Pa. Code § 5.101(a)(2).

¹ *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).

² *Feingold*, 383 A.2d at 794.

³ *Behrend, supra.*

⁴ *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)).

The Commission lacks the jurisdiction to award Complainant money damages related to the averments set forth in the formal complaint and in the prayer for relief filed in this proceeding. This point has been well-settled in numerous decisions.⁵ However, the Commission retains the jurisdiction to rule on any service and safety issues and may order other relief as appropriate.⁶ The Commission has broad powers to supervise and regulate all public utilities doing business within the Commonwealth and is empowered to determine whether a public utility is providing safe, adequate and reasonable service.⁷ The Commission may impose civil penalties upon a utility which is found to be in violation of a statute, regulation or order of the Commission.⁸ Utility service is not limited to the provision of service and includes “any and all acts” related to that function.⁹

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections of Respondent, FirstEnergy Pennsylvania Electric Company, are granted and the request for monetary damages made by Complainant, Leroy Hazlett, is stricken from the Formal Complaint.

2. That FirstEnergy Pennsylvania Electric Company’s request to refer the Formal Complaint of Leroy Hazlett v. FirstEnergy Pennsylvania Electric Company, filed at

⁵ *Elkin v. Bell Telephone Company of Pennsylvania*, 491 Pa. 123, 420 A.2d 371 (1980); *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977); *Poorbaugh v. Pa. Pub. Util. Comm’n*, 666 A.2d 744 (Pa.Cmwlth. 1995).

⁶ 66 Pa.C.S. § 1501.

⁷ 66 Pa.C.S. §§ 501, 1501.

⁸ 66 Pa.C.S. § 3301.

⁹ 66 Pa.C.S. § 102 (defining “service”); *West Penn Power Co. v. Pa. Pub. Util. Comm’n*, 578 A.2d 75 (Pa.Cmwlth. 1990); *McCall v. Pennsylvania Electric Company*, PUC Docket No. C-2009-2105240 (Initial Decision issued February 25, 2010).

C-2026-3060483 - LEROY HAZLETT v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY – PENELEC ELECTRIC COMPANY

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