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Emily Farah  
*Assistant General Counsel*  
*Legal Department*

April 13, 2026

***VIA ELECTRONIC FILING***

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building – 2nd Floor  
400 North Street  
Harrisburg, PA 17120

**Re: James Samuel DeFoggi v. Columbia Gas of Pennsylvania, Inc.  
Docket No. C-2026-3061290**

Dear Secretary Homsher:

Enclosed is Columbia Gas of Pennsylvania, Inc.'s Preliminary Objections to the Formal Complaint of James Samuel DeFoggi. As indicated on the attached Certificate of Service, copies have been served in the manner indicated.

Please contact me should you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Emily Farah", enclosed in a thin black rectangular border.

Emily Farah

/kak

Enclosure

cc: Certificate of Service (w/enc.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Samuel DeFoggi,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-3061290
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

**Notice to Plead**

**To: James Samuel DeFoggi**  
103 Shanor Drive  
New Brighton, PA 15066

**Date: April 13, 2026**

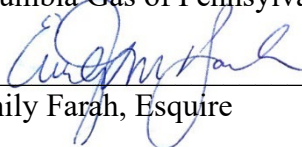
You are hereby notified, pursuant to 52 Pa. Code § 5.101, to file a written response to the enclosed Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you. The response must be e-filed or mailed to the Secretary of the Public Utility Commission:

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

A copy of your response must also be **emailed** to:

Emily Farah, Esquire  
121 Champion Way, Ste 100  
Canonsburg, PA 15317  
efarah@nisource.com

Respectfully submitted,  
Columbia Gas of Pennsylvania, Inc.

  
\_\_\_\_\_  
Emily Farah, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Samuel DeFoggi,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-3061290
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

**PRELIMINARY OBJECTIONS OF COLUMBIA GAS OF PENNSYLVANIA, INC. TO  
THE FORMAL COMPLAINT OF JAMES SAMUEL DEFOGGI**

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Pursuant to 52 Pa. Code § 5.101, Columbia Gas of Pennsylvania, Inc. (“Columbia” or “the Company”) hereby submits these Preliminary Objections in response to the above-captioned Formal Complaint (“Complaint”) of James Samuel DeFoggi (“Complainant”), and in support thereof, states as follows:

**I. BACKGROUND**

1. On March 24, 2026, the Company was served with the Complaint at the above caption.
2. Respondent is timely filing an Answer contemporaneously with the Preliminary Objections contained herein.
3. The Complaint alleges that the Complainant is entitled to relief under the Uniform Commercial Code (“UCC”), which the (“Commission”) does not have jurisdiction to interpret or authority to enforce. *See* Complaint at ¶¶ 4-5.
4. The Complaint also fails to assert any facts that could be construed as a violation of a Commission regulation, statute or order. *See* Complaint at ¶¶ 4-5, 7.

**II. STANDARD OF REVIEW**

5. Pursuant to the Commission regulations, 52 Pa. Code § 5.101(a), preliminary objections in response to a pleading may be filed the following bases:

- (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 a 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.

6. The moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (Pa. 1985).

7. In deciding on preliminary objections, the Presiding Officer must assume, for ruling purposes only, that the factual allegations of the Complaint are true. *Id.*

### **III. PRELIMINARY OBJECTIONS**

#### **A. PRELIMINARY OBJECTION No. 1 – LACK OF COMMISSION JURISDICTION**

8. The foregoing paragraphs are incorporated herein as if fully set forth.

9. Commission regulations allow parties to file preliminary objections on the basis that the Commission lacks jurisdiction over the proceeding. 52 Pa. Code § 5.101(a)(1).

10. A formal complaint must set forth “the act or thing done or omitted to be done” by a public utility “in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” 66 Pa.C.S. § 701.

11. The Commission may only exercise powers that are expressly conferred upon it by the legislature. *Feingold v. Bell of Pennsylvania*, 383 A.2d 791, 794 (1977).

12. Application and interpretation of federal law, namely, the UCC, are outside of the Commission’s express jurisdiction of Pennsylvania Code, Commission regulations, or Commission orders. *Alkhatib v. PECO Energy Co.*, Docket No. C-2011-2242125, 2012 WL 641672, at \*5 (Jan. 12, 2012) citing 66 Pa. C.S. § 701.

13. Consequently, because the Commission lacks jurisdiction over alleged violations of the UCC, the Complaint must be dismissed pursuant to 52 Pa. Code § 5.101(a)(1).

**B. PRELIMINARY OBJECTION No. 2 – LEGAL INSUFFICIENCY**

14. The foregoing paragraphs are incorporated as if fully set forth herein.

15. Legal insufficiency of a pleading is an appropriate preliminary objection. *See* 52 Pa. Code § 5.101(a)(4).

16. Even if the Commission accepts all of the facts alleged in the Complaint as true, the Complainant is not entitled to relief as a matter of law.

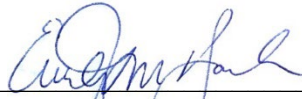
17. The complaint fails to state a cognizable cause of action because it rests on a nonexistent legal relationship, i.e., a “principal” and “agent” relationship. *See* Complaint at p. 10.

18. Simply, the Complaint does not set forth any facts that could be construed as a violation of a Commission regulation, statute or order.

19. As such, the Complaint must be dismissed pursuant to 52 Pa. Code § 5.101(a)(4).

WHEREFORE, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Pennsylvania Public Utility Commission sustain these Preliminary Objections and dismiss the Formal Complaint of James Samuel DeFoggi with prejudice.

Respectfully submitted,  
Columbia Gas of Pennsylvania, Inc.



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Emily Farah (Atty ID 322559)  
Assistant General Counsel  
121 Champion Way, Ste. 100  
Canonsburg, PA 15317  
Tel.: (724) 416-6321  
Email: efarah@nisource.com

Date: April 13, 2026


## 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 E-MAIL

James Samuel Defoggi  
103 Shanor Drive  
New Brighton, PA 15066  
[Jcdefoggi1@comcast.net](mailto:Jcdefoggi1@comcast.net)

Date: April 13, 2026



Emily Farah