

JAMES SAMUEL DEFOGGI, TRUSTEE

103 SHANOR DRIVE NEW BRIGHTON, PA 15066

Date: April 14, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary Pennsylvania Public Utility Commission 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 for filing is the **Complainant's Response to Preliminary Objections and Motion to Strike** regarding the above-referenced matter.

As noted in the enclosed Certificate of Service, a copy of this filing has been served upon
Counsel for Columbia Gas of Pennsylvania, Inc.

Respectfully Submitted,

By:  - TTEE

James Samuel Defoggi, Trustee

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAMES SAMUEL DEFOGGI, TRUSTEE |

DEFOGGI FAMILY IRREVOCABLE LIVING TRUST, |

Complainant, |

Docket No. C-2026-3061290

v. |

COLUMBIA GAS OF PA, INC., |

Respondent. |

COMPLAINANT’S RESPONSE TO PRELIMINARY OBJECTIONS

NOW COMES, James Samuel Defoggi, Trustee for the **DEFOGGI FAMILY**

IRREVOCABLE LIVING TRUST (“Complainant”), appearing *Sui Juris*, to file this formal Response to the Preliminary Objections of Columbia Gas of Pennsylvania, Inc. (“Respondent”) pursuant to 52 Pa. Code § 5.101(f). Complainant respectfully moves the Commission to

OVERRULE Respondent’s Preliminary Objections and **DENY** their request for dismissal based on the following:

I. BACKGROUND

1. On April 13, 2026, Respondent filed Preliminary Objections seeking to dismiss the Formal Complaint with prejudice, asserting a lack of standing and legal sufficiency.
2. Respondent’s objections rely on the false premise that no commercial or trust-based interest exists between the parties outside of a standard ratepayer contract.

II. RESPONSE TO OBJECTIONS

3. **Standing and Perfection of Interest:** Respondent’s assertion that Complainant lacks

standing is factually refuted by the public record. On April 13, 2026, Complainant perfected a **UCC-1 Financing Statement (File No. 20260413077816)** with the Pennsylvania Department of State (**Exhibit D**).

4. This filing provides public notice of the Trust's superior security interest in all accounts and general intangibles associated with the Respondent's billing claims.
5. **Notice of Assignment:** As admitted by Respondent in Paragraph 10 of their Answer, they were served with the Complainant's 22-page Administrative Record. This record includes a notarized **Assignment of Business Interests (Executed February 26, 2025)**, which transferred all interests from the individual debtor to the Trust.
6. **Administrative Default:** Respondent failed to provide a verified accounting or Statement of Account within 14 days of the Complainant's formal demand served March 25, 2026, as required under **UCC § 9-210**. Respondent's "Exhibit A" is an unverified internal ledger and does not cure the default.
7. **Adoption of Private Security Agreement:** On April 13, 2026, the Trustee executed a **Resolution (JSD-2026-001-RES)** formally adopting the Private Security Agreement as a senior asset of the Trust (**Exhibit E**), further solidifying the Trustee's authority to prosecute this claim.

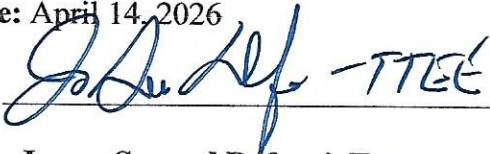
III. CONCLUSION

8. Dismissal with prejudice is a drastic remedy that is inappropriate where material facts are in dispute. Complainant has provided prima facie evidence of a perfected commercial interest and a failure of the Respondent to recognize the Trustee's Non-Decedent status.

WHEREFORE, Complainant James Samuel Defoggi, Trustee, respectfully requests that the Honorable Commission **OVERRULE** the Preliminary Objections filed by Columbia Gas of Pennsylvania, Inc., and allow this matter to proceed to a formal hearing for the adjudication of the merits.

Date: April 14, 2026

By:

 - TTEE

James Samuel Defoggi, Trustee

PART 2: CERTIFICATE OF SERVICE

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAMES SAMUEL DEFOGGI, TRUSTEE |

DEFOGGI FAMILY IRREVOCABLE LIVING TRUST, |

Complainant, |

Docket No. C-2026-3061290

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COLUMBIA GAS OF PA, INC., |

Respondent. |

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the **Complainant's Response to Preliminary Objections**, along with all attached Exhibits, upon the following person(s) in the manner indicated below, in accordance with the requirements of 52 Pa. Code § 1.54:


VIA ELECTRONIC MAIL AND FIRST-CLASS MAIL:

Emily Farah, Esq. Assistant General Counsel NiSource

Columbia Gas of Pennsylvania, Inc. 121 Champion Way, Ste. 100 Canonsburg, PA 15317

Email: efarah@nisource.com

Date: April 14, 2026

By:  - TTELE

James Samuel Defoggi, Trustee


103 Shanor Drive New Brighton, PA 15066

VERIFICATION

I, **James Samuel Defoggi**, Trustee of the **DEFOGGI FAMILY IRREVOCABLE LIVING TRUST**, hereby state that the facts set forth in the foregoing **Response to Preliminary Objections** are true and correct to the best of my knowledge, information, and belief.

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: April 14, 2026

By:  - TRUSTEE

James Samuel Defoggi, Trustee