

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jaira Wells	:	
	:	
v.	:	C-2026-3060619
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**INITIAL DECISION**

Before  
Katrina L. Dunderdale  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants the Preliminary Objections filed by Columbia Gas of Pennsylvania, Inc. and dismisses the Formal Complaint on the grounds the Pennsylvania Public Utility Commission lacks jurisdiction over the subject matter and does not have the statutory authority to grant the relief requested in the Formal Complaint.

**HISTORY OF THE PROCEEDING**

On February 23, 2026, Jaira Wells (Complainant or Ms. Wells) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Columbia Gas of Pennsylvania, Inc. (Columbia or Respondent) alleging her natural gas distribution company, Columbia, was threatening to shut off her

service or had shut off her service already. In addition, Ms. Wells indicated the other reason for the Complaint was:

The principal is not being heard in their contract. The company, Columbia Gas, has threatened to terminate essential services scheduled for today, February 23<sup>rd</sup> 2026. On multiple occasions there have been request for validation of contract and full accounting of principal account. Since September 2024, several documents have been sent via registered and certified mail including power of attorney, claim to interest, and tender of payment. The company's legal department finally responded after nearly a year of silence. However, they still have not given response regarding the request of contract validation.

Complaint ¶ 4.

For relief, Complainant requested, “the principal be given due process in accordance with the Truth and Lending Act. That the contract and debt be validated, such that the principal may settle any lawful obligation.... That the principal's executed negotiable instrument be recognized as performance to meet an obligation and lawful tender of payment in accordance with the Bills of Exchange Act; such that the principal does not continue to face harm in contract and be deprived of unalienable rights.”

Complaint ¶ 5.

On March 16, 2026, Columbia filed an Answer in which Columbia generally denied the allegations but admitted it issued a termination notice on December 5, 2025, on an unpaid balance of \$4,290.69.

Also, on March 16, 2026, Columbia filed Preliminary Objections, with a Notice to Plead within ten days. Columbia asserted Complainant's requested relief is allegedly pursuant to relief available under the Truth and Fair Lending Act (15 U.S.C. §

1601 *et seq.*) and the Uniform Commercial Code (UCC).<sup>1</sup> Columbia pointed out both acts referenced by Complainant concern matters over which the Commission does not have jurisdiction. Columbia asserted the Commission does not have the statutory authority to grant the relief requested in the Complaint. In addition, Columbia alleged the Complaint is legally insufficient because, even accepting all of the facts Complainant alleged to be true, the Complaint fails to state a cognizable cause of action by relying on a non-existent legal relationship between a “principal” and an “agent.” Columbia requested the Commission dismiss the Complaint, pursuant to 52 Pa. Code § 5.101, because the Commission lacks subject matter jurisdiction over the claims raised.

Complainant responded to the Preliminary Objections on March 30, 2026. Complainant agreed with Columbia that the case should be dismissed because the Commission does not have the ability, jurisdiction or authority to render a disposition in this proceeding.

On April 8, 2026, the Commission’s Office of Administrative Law Judge (OALJ) issued the Motion Judge Assignment Notice, assigning the Preliminary Objections to Administrative Law Judge Katrina L. Dunderdale for disposition.

The Preliminary Objections are ready for decision. For the reasons set forth below, the presiding officer grants the Preliminary Objections and dismisses the Complaint.

#### FINDINGS OF FACT

1. Complainant is Jaira Wells.

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<sup>1</sup> Respondent noted Complainant referred to the UCC as the “Bills of Exchange Act.” Preliminary Objections ¶ 3.

2. Respondent is Columbia Gas of Pennsylvania, Inc.

3. Complainant listed the service address on the Formal Complaint as 133 Evans Street, Uniontown, Pennsylvania 15401.

4. On February 23, 2026, Complainant filed the Formal Complaint with the Commission against Columbia Gas of Pennsylvania, Inc., alleging Respondent was threatening to shut off her service or had shut off her service already.

5. For relief, Complainant requested in the Formal Complaint, “the principal be given due process in accordance with the Truth and Lending Act. That the contract and debt be validated, such that the principal may settle any lawful obligation.... That the principal’s executed negotiable instrument be recognized as performance to meet an obligation and lawful tender of payment in accordance with the Bills of Exchange Act; such that the principal does not continue to face harm in contract and be deprived of unalienable rights.” Complaint ¶ 5.

6. On March 16, 2026, Respondent filed an Answer.

7. On March 16, 2026, Respondent filed Preliminary Objections.

8. Complainant filed an answer to Columbia’s Preliminary Objections on March 30, 2026.

## DISCUSSION

The Commission regulation at 52 Pa. Code § 5.21(a) states that a person may file a formal complaint claiming violation of a statute that the Commission has jurisdiction to administer; however, under the regulation at 52 Pa. Code § 5.21(d), the

Commission is authorized to dismiss a complaint if a hearing is not necessary. Under the Commission's regulation at 52 Pa. Code § 5.101(a)(1), a party may file a preliminary objection to dismiss a pleading for lack of Commission jurisdiction, because judicial economy is served by avoiding a hearing where no factual dispute exists. If there exists no factual issue pertinent to the resolution of a case, a hearing is unnecessary.<sup>2</sup>

### Preliminary Objections

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 the Code at 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.

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<sup>2</sup> See 66 Pa.C.S. § 703(a); *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 557 (Pa. Cmwlth. 1989); *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa. Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm'n*, 540 A.2d 1006 (Pa. Cmwlth. 1988); *White Oak Borough Auth. v. Pa. Pub. Util. Comm'n*, 103 A.2d 502 (Pa. Super. 1954).

Here, Columbia’s Preliminary Objections assert lack of Commission jurisdiction, pursuant to 52 Pa. Code § 5.101, in that the Complaint failed to allege any matter within the Commission’s jurisdiction. Columbia also asserted the Complaint was legally insufficient when it stated a claim resting on a non-existent legal relationship, i.e., a “principal” and an “agent” and failed to allege that Columbia violated the Public Utility Code, Commission regulations or Commission orders, or its own tariff.

Preliminary objection practice before the Commission is analogous to Pennsylvania civil practice regarding preliminary objections.<sup>3</sup> A specific preliminary objection asserting lack of Commission jurisdiction is analogous to preliminary objections allowed by Rule 1028 of the Pennsylvania Rules of Civil Procedure. The Commission ruled, in *Montague v. Philadelphia Electric Co.*, 66 Pa.P.U.C. 24 (1988), that it would follow the standard that preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is warranted clearly and free from doubt.<sup>4</sup>

The Commission may not rely upon the factual assertions of the moving party (i.e., Columbia) but must accept as true - for purposes of disposing of the Preliminary Objections - all well pleaded, material facts of the nonmoving Party (i.e., Ms. Wells), as well as every reasonable inference from those facts.<sup>5</sup> The Commission must view the factual assertions in the Complaint in the light most favorable to Ms. Wells, as the non-moving Party, and should dismiss the Complaint only if it appears Complainant would not be entitled to relief under any circumstances as a matter of law.<sup>6</sup>

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<sup>3</sup> *Equitable Small Transportation Intervenors v. Equitable Gas Co.*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994) (*Equitable*).

<sup>4</sup> *Interstate Traveller Services, Inc. v. Pa. Dept. of Env'tl. Resources*, 406 A.2d 1020 (Pa. 1979); *Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa. Super. 1991).

<sup>5</sup> *County of Allegheny v. Commonwealth of Pa.*, 490 A.2d 402 (Pa. 1985); *Commonwealth v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988).

<sup>6</sup> *Equitable*.

## Commission Jurisdiction and Legal Sufficiency

The Commission, as a creation of the Pennsylvania General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code.<sup>7</sup> Accordingly, the Commission must act within, and cannot exceed, its jurisdiction.<sup>8</sup> A party to a proceeding cannot confer or grant jurisdiction upon the Commission where jurisdiction does not exist.<sup>9</sup> The Commission must have subject matter jurisdiction as a prerequisite to the exercise of its power before it can decide a controversy.<sup>10</sup>

Columbia contended the Complaint raised issues that are outside the subject matter jurisdiction of the Commission. Columbia is correct in its assertions. The Commission only possesses the authority specifically delegated and granted to it by the Pennsylvania Legislature and as outlined in the Public Utility Code, and the Commission's regulations and orders.<sup>11</sup> Nowhere is the Commission authorized to resolve disputes involving the Truth and Fair Lending Act or the UCC.<sup>12</sup>

To be legally sufficient, a complaint must set forth “an act or thing done or omitted to be done or about to be done or omitted to be done by the respondent [utility] in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission.”<sup>13</sup> Furthermore, pursuant to

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<sup>7</sup> *Shedlosky v. Pa. Elec. Co.*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008) (*Shedlosky*); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977) (*Feingold*).

<sup>8</sup> *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa. Super. 1945).

<sup>9</sup> *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

<sup>10</sup> *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992).

<sup>11</sup> *Shedlosky; Feingold*.

<sup>12</sup> *Feitt v. Peoples Nat. Gas Co. LLC – Equitable Div.*, Docket No. F-2018-3003833 (Opinion and Order entered Oct. 8, 2020) (*Feitt*).

<sup>13</sup> 52 Pa. Code § 5.22(a)(4).

52 Pa. Code § 5.22(a)(5), the Complaint must include a “clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation” which shows the utility is in violation of a law which the Commission has jurisdiction to administer.<sup>14</sup>

The Complaint failed to include any statement of an act done by Columbia or an act of omission done by Columbia that violated a law over which the Commission had jurisdiction to administer. The Complaint contained no allegations concerning any violation of the Pennsylvania Public Utility Code, or any Commission regulation or order by the utility. Pursuant to 52 Pa. Code § 5.101(a)(4), the Complaint is legally insufficient because it fails to allege that Respondent violated the Public Utility Code, Commission regulations or Commission orders. Furthermore, pursuant to 52 Pa. Code § 5.101(a)(1), the Complaint fails to allege any matter over which the Commission exercises authority or jurisdiction.

### Conclusion

Viewing the factual assertions in the light most favorable to Ms. Wells for the purpose of disposing of the Preliminary Objections, it is clear these Preliminary Objections must be granted and the Complaint herein must be dismissed.

It is important to note Complainant acknowledged the Complaint should be dismissed when she filed her response to the Preliminary Objections. In her response, filed on March 30, 2026, Complainant stated:

Since the PUC does not have the ability, jurisdiction or authority to aid I the protection of the unalienable rights of

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<sup>14</sup> See 66 Pa.C.S. § 701; 52 Pa. Code § 5.22.

principal, Jaira Wells, I concur with Emily Farah of NiSource that this case should be dismissed.

Complainant's Response dated March 26, 2026.

Accordingly, the presiding officer will grant the Preliminary Objections because the Commission lacks jurisdiction over the dispute and due to the legal insufficiency of the Complaint.

#### CONCLUSIONS OF LAW

1. The Commission does not have jurisdiction over the subject matter of this dispute because the Formal Complaint does not allege a matter over which the Commission has authority, or claim a violation of a statute over which the Commission has jurisdiction to administer. 52 Pa. Code § 5.21; *Shedlosky v. Pa. Elec. Co.*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977); *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992).

2. The Formal Complaint does not raise a claim that, if proven, would show Respondent failed in any way to furnish and maintain adequate, efficient, safe and reasonable service and facilities. 66 Pa.C.S. § 1501; 52 Pa. Code § 5.101(a)(4); *Feitt v. Peoples Nat. Gas Co. LLC – Equitable Div.*, Docket No. F-2018-3003833 (Opinion and Order entered Oct. 8, 2020).

3. Respondent, as a party in this proceeding, is entitled to file preliminary objections, in response to a pleading such as the Formal Complaint, if Respondent alleges, *inter alia*, a lack of Commission jurisdiction and/or alleges

insufficient specificity of a pleading, such as the Formal Complaint. 52 Pa. Code § 5.101(a).

4. A presiding officer is authorized to rule in cases involving a question of jurisdiction and may render a final determination prior to a hearing by issuing an initial decision. 52 Pa. Code § 5.103.

5. The Commission may dismiss any complaint without a hearing if a hearing is not necessary to the public interest. 52 Pa. Code § 5.21(d).

6. A hearing in this matter is not necessary or in the public interest. 52 Pa. Code § 5.21(d).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by Columbia Gas of Pennsylvania, Inc., in the matter of Jaira Wells versus Columbia Gas of Pennsylvania, Inc., at Docket No. C-2026-3060619, are granted.

2. That the Formal Complaint of Jaira Wells in Jaira Wells v. Columbia Gas of Pennsylvania, Inc., at Docket No. C-2026-3060619, is hereby dismissed for failure to state a claim within the Commission's jurisdiction and upon which relief can be granted and for lack of subject matter jurisdiction.

