

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ian T. Casteel	:	
	:	
v.	:	C-2026-3060512
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INTERIM ORDER**  
**GRANTING IN PART AND DENYING IN PART**  
**FE PA'S PRELIMINARY OBJECTION**

This Order grants, in part, and denies, in part, the Preliminary Objection of FirstEnergy Pennsylvania Electric Company (FE PA or Company). Because the Pennsylvania Public Utility Commission does not have the authority to award monetary damages as a remedy that portion of the Formal Complaint will be dismissed. However, there will not be a preemptive limitation to Complainant's testimony or exhibits. Finally, this matter is referred to the Mediation Unit of the Office of Administrative Law Judge for potential resolution.

History of the Proceeding

On February 12, 2026, Ian T. Casteel (Mr. Casteel or Complainant) filed a Complaint against the Company. Mr. Casteel averred that he is having a reliability, safety or quality problem with his utility service as the reason for his Complaint and explained:

On Friday, January 30th, at approximately 6:00 AM, a very powerful surge occurred in the area. The power surge damaged multiple homes and businesses in the area. My office experienced multiple losses from the surge, including the X-ray unit, phones, internet, outlets, and fuses on the disconnect. I filed a claim with Penelec, PL-345134. Penelec states there is no evidence of any improper conduct on the part of Penelec or its employees. A surge of this magnitude should be covered by Penelec and need to be investigated further.

Complaint ¶ 4.

For relief, Complainant “would like penelec to take responsibility for the surge, and to pay for the damage caused by the powerful surge.” Complaint ¶ 5.

On March 9, 2026, FE PA filed an Answer with New Matter that either admitted or denied the various material allegations of the Complaint. Answer ¶ 4. Specifically, FE PA averred that its Commission-approved Tariff at Rule 21, advises that the Company does not guarantee continuous, uninterrupted or regular supply of electric service and that the Company is not required to provide perfect service. *Id.* In New Matter, the Company requested that this matter be referred to the Office of Administrative Law Judge’s Mediation Unit.

Also on March 9, 2026, FE PA filed a Preliminary Objection. In its Preliminary Objection, the Company requests that the portion of the Complaint pertaining to a request for monetary reimbursement be stricken from the Complaint. FE PA avers that under Section 5.101(a)(2) of Commission regulations, a request for damages constitutes impertinent matter which should be stricken because the Commission does not have the authority to award monetary damages. *See* 52 Pa. Code § 5.101(a)(2).

A notice to plead appropriately accompanied the Preliminary Objection.

Mr. Casteel did not file a responsive pleading to FE PA’s Preliminary Objection.

FE PA’s Preliminary Objection is now ready for disposition.

#### Discussion

The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections and provides, in relevant part:

#### **§ 5.101. Preliminary objections.**

(a) *Grounds*. Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

\* \* \*

(2) Failure of a pleading to conform to this chapter or *the inclusion of scandalous or impertinent matter*.

\* \* \*

52 Pa. Code § 5.101(a) (emphasis added).

In deciding preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible. *Dep't of Auditor General v. State Employees' Ret. System*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002). All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Employees' Ret. Bd.*, 690 A.2d 1312 (Pa. Cmwlth. 1997). Therefore, the primary focus is on whether, based on well-pleaded factual averments of the complainant, recovery or relief is possible. *Id.*

Additionally, as a matter of law, to establish a legally sufficient claim, a complainant must show that the named utility company is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). The offense must be a violation of the Pennsylvania Public Utility Code (Code), a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701. The finding of a violation of a Commission Order, regulation, or statute, by the public utility may result in the imposition of a civil penalty on the public utility company, consistent with Section 3301, 66 Pa.C.S. § 3301, or other provisions of the Code.

## Discussion

In the instant case, Complainant alleges that he experienced a “very powerful surge” in his office that resulted in “multiple losses from the surge, including the X-ray unit, phones, internet, outlets, and fuses on the disconnect.” Complaint ¶ 4. This claim of unreasonable service is cognizable under the Code and Commission Regulations.<sup>1</sup> Therefore, since there is a factual dispute as to these allegations, Complainant should be given the opportunity to present evidence on these claims and prove them by a preponderance of the evidence. *See Carlock v. United Tel. Co. of Pa.*, Docket No. F-00163617 (Order entered July 14, 1993) (*Carlock*) (holding that, in general, a *pro se* complainant may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe his basic issue and supporting facts).

However, even *assuming arguendo* that Mr. Casteel proves that the Company violated the Code, Commission regulation or order or committed a violation of its Commission-approved tariff, the Commission cannot award Mr. Casteel monetary compensation as relief. Although this Commission has general jurisdiction over the rates and services of public utilities operating in Pennsylvania, the Commission only has the powers and authority granted to it by the General Assembly in the Code. Nothing in the Code confers jurisdiction upon the Commission to award monetary damages. *Feingold v. Bell*, 383 A.2d 791 (Pa. 1977) (*Feingold*); *DeFrancesco v. W. Pa. Water Co.*, 453 A.2d 595 (Pa. 1982); *Elkin v. Bell of Pa.*, 420 A.2d 371 (Pa. 1980).

Rather, monetary damage payments must be pursued and ordered by a court of competent jurisdiction, such as a county court of common pleas or magisterial district justice, not the Commission. *Feingold*. A finding, if any, that FE PA violated a Commission Order, regulation or statute, may result in the imposition of a civil penalty, but does not require it,

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<sup>1</sup> For example, *see* 66 Pa.C.S. § 1501 (providing that every public utility must provide reasonable service); *Peterson v. PECO Energy Co.*, Docket No. C-2016-2572890 (Opinion and Order entered Aug. 16, 2017); *Horn v. Pa. American Water Co.*, Docket No. C-2024-3046231 (Opinion and Order entered Apr. 24, 2025); *Harpster v. PPL Elec. Util. Corp.*, Docket No. C-2024-3052644 (Opinion and Order entered Jan. 7, 2026).

consistent with Section 3301 or other provision of the Code. Further, it should be noted that a fine, if any, that is imposed on FE PA is payable to the Commonwealth of Pennsylvania, not the customer—Mr. Casteel, in this instance.

Therefore, to the extent that Mr. Casteel seeks compensatory damages for reimbursement, FE PA's Preliminary Objection will be sustained because the Commission does not have the authority to award monetary damages.

However, viewing the Complaint in the light most favorable to Mr. Casteel as the non-moving party and accepting as true every well-pleaded material fact in the Complaint, as well as every reasonable inference from those facts, Mr. Casteel raised issues of fact as to the reliability, safety or quality of utility service provided by FE PA. I find that there is a sufficient basis to proceed to a hearing where Mr. Casteel will have the opportunity to provide testimony and evidence, as a complainant must, to carry the burden of proof in support of Complainant's position. *See Carlock*. These issues lie within the jurisdiction of the Commission and will not be dismissed on the preliminary objection but will proceed forward for adjudication.

To the extent that Complainant asserted a service-related complaint against Respondent, Complainant may attempt to introduce testimony and exhibits at the evidentiary hearing in this case regarding alleged damages sustained relative to the alleged incident and with respect to the alleged actions or failure to act by Respondent or its agents, as it relates to service and/or safety issues. Complainant will be permitted to introduce any admissible evidence as it relates to alleged service-related conduct of the Respondent and damages sustained thereby, and FE PA's request that Complainant be expressly prohibited from introducing any testimony or exhibits regarding the alleged damages is denied. FE PA may instead raise objections, as appropriate, at the hearing in this proceeding.

FE PA requested this matter be referred to the Mediation Unit of the Office of Administrative Law Judge, and, under the circumstances, it is appropriate to transfer this matter to mediation.

The parties are advised, however, that if they do not reach a settlement and this matter proceeds to an evidentiary hearing, Complainant will bear the burden to present substantial evidence the Company violated a statute that the Commission has jurisdiction to administer, a tariff provision, or a regulation or order of the Commission. 52 Pa. Code § 5.12(a).

This matter is referred to the Mediation Unit of the Office of Administrative Law Judge.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by FirstEnergy Pennsylvania Electric Company, in the matter of *Ian T. Casteel v. FirstEnergy Pennsylvania Electric Company*, at Docket No. C-2026-3060512, is hereby granted, in part, and denied, in part, consistent with this Order.

2. That FirstEnergy Pennsylvania Electric Company's request that Complainant's request for monetary damages be stricken from the Complaint for lack of Commission jurisdiction is granted.

3. That FirstEnergy Pennsylvania Electric Company's request that Complainant be expressly prohibited from introducing any testimony or exhibits regarding alleged damages is denied.

4. That this matter is referred to the Mediation Unit of the Office of Administrative Law Judge.

Date: April 22, 2026

\_\_\_\_\_/s/  
Emily A. Farren  
Administrative Law Judge

**C-2026-3060512 - IAN T CASTEEL v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY**

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