

# Stevens & Lee

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May 11, 2026

VIA ELECTRONIC FILING

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

**RE: Julian B. Deuerlein v. Pennsylvania-American Water Company  
Docket No. C-2026-3061902**

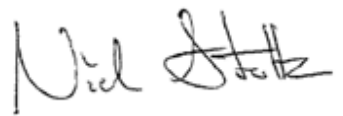
Dear Secretary Homsher:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Preliminary Objection to the above-referenced Complaint. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE



Nicholas A. Stobbe

Enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Julian B. Deuerlein, :  
Complainant :  
 :  
v. : Docket No. C-2026-3061902  
 :  
Pennsylvania-American Water Company, :  
Respondent :

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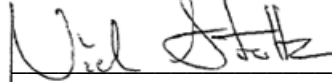
**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MUST FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,

STEVENS & LEE



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DATE: May 11, 2026

*Counsel For Pennsylvania-  
American Water Company*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Julian B. Deuerlein,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-3061902
	:	
Pennsylvania-American Water Company,	:	
Respondent	:	

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**PRELIMINARY OBJECTION OF PENNSYLVANIA-AMERICAN WATER COMPANY  
TO THE COMPLAINT OF JULIAN B. DEUERLEIN**

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AND NOW, comes Pennsylvania-American Water Company (“PAWC” or the “Company” and hereby files this Preliminary Objection pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the portion of the Formal Complaint filed by Julian B. Deuerlein (“Complainant”) requesting damages be summarily dismissed because the Commission has no power to award attorney’s fees or damages.

In support thereof, the Company states as follows:

**I. BACKGROUND**

1. The Company is a “public utility” as the term is defined under the Public Utility Code, 66 Pa. C.S. § 102, subject to the regulatory jurisdiction of the Commission.

2. By Secretarial Letter dated April 20, 2026, the Company was served with the above-captioned Complaint. In the Complaint, the Complainant alleges, among other things, that the Company has damaged the Complainant’s property at 12 Beech Street, Carbondale, PA 18407

(“Service Address”), and that the Complainant has incurred elevated bills as a result of the Company’s conduct. (Complaint ¶¶ 4-5, attachment).

3. The Company herein files this Preliminary Objection to the Complaint. For the reasons explained below, the Company respectfully requests that the portion of the Complaint pertaining to requested damages be dismissed pursuant to Section 5.101(a)(2) of the Commission’s regulations because a request for damages and attorney’s fees constitutes impertinent matter. 52 Pa. Code § 5.101(a)(2).

## II. STANDARD OF REVIEW

4. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (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.

52 Pa. Code § 5.101(a).

5. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonable deducible therefrom. *Stilp v. Commonwealth*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (“Stilp”) (citing *Dep’t of Gen. Servs. V.*

*Bd. Of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)), *affirmed* 974 A.2d 491 (Pa. 2009). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2008), *affirmed*, 963 A.2d 670 (Pa. 2009). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp* at 781.

6. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987) (citation omitted). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp* at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998) (quoting *Santiago v. Pa. Nat. Mut. Cas. Ins. Co.*, 613 A.2d 1235, 1238 (Pa. Super 1992)).

### III. PRELIMINARY OBJECTION

#### A. PRELIMINARY OBJECTION NO. 1 – THE COMPLAINANT’S REQUEST FOR DAMAGES SHOULD BE DISMISSED BECAUSE THE COMMISSION HAS NO POWER TO AWARD DAMAGES.

7. The Company incorporates by reference Paragraphs 1 through 6, *supra*, as though fully set forth herein.

8. The portion of the Complaint requesting damages should be dismissed because the Commission cannot award attorney’s fees or damages.

9. In the Complaint, the Complainant asks the Commission to require PAWC to “compensate [Complainant] for all property damage...” (Complaint ¶ 5).

10. It is well established that the Commission does not have authority to order a public utility to pay damages. *See DeFrancesco v. W. Pa. Water Co.*, 453 A.2d 595, 596-97 (Pa. 1982);

*Elkin v. Bell of Pa.*, 420 A.2d 371, 375 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791, 794-95 (Pa. 1977).

11. Here, the Complainant's request for damages is impertinent matter "in the sense that it is irrelevant to [the] cause of action" because the Commission lacks authority to attorney's fees or damages. See *Stoner v. PPL Elec. Utils. Corp.*, Docket No. C-2013-2385588, p. 3 (Nov. 14, 2013) (order sustaining preliminary objections). Requests for damages are regularly stricken from complaints as being impertinent matter. See, e.g. *id.* at pp. 3, 5; *Powell v. Verizon Pa., Inc.*, Docket No C-2011-226876, 2011 Pa. PUC LEXIS 652, at \*8-9, 16-17 (Dec. 21, 2011), *adopted by Comm'n*, 2012 PA. PUC LEXIS 374 (Order Entered Mar. 1, 2012); *J.E. Culbertson Co. v. Pa. Elec. Co.*, Docket No. C-2010-2204947, 2011 Pa. PUC LEXIS 781, at \*8-9, 12 (Feb. 4, 2011), *adopted by Comm'n*, Docket No. C-2010-2204947 (Order Entered Apr. 8, 2011).

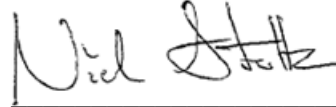
12. Therefore, consistent with longstanding Commission precedent, the Complainant's request for damages is impertinent matter and should be stricken from the Complaint pursuant to 52 Pa. Code § 5.101(a)(2).

**IV. CONCLUSION**

WHEREFORE, for the foregoing reasons, Pennsylvania-American Water Company respectfully requests that the portion of the Complaint filed by Julian B. Deuerlein requesting the damages be struck because the Commission has no authority to award damages.

Respectfully submitted,

STEVENS & LEE



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DATE: May 11, 2026

*Counsel For Pennsylvania  
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Pennsylvania-American Water Company,	:	
Respondent	:	

**VERIFICATION**

I, Tawana Dean, Regulatory Compliance Manager with Pennsylvania-American Water Company, verify that the factual allegations contained in the foregoing Preliminary Objection to Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

May 11, 2026  
Date



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Pennsylvania-American Water Company,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Preliminary Objection upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**VIA First Class U.S. Mail**

Julian B. Deuerlein  
12 Beech Street  
Carbondale, PA 18407



May 11, 2026

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Nicholas A. Stobbe