

COMMONWEALTH COURT OF PENNSYLVANIA

Charles Johnson and Laura Johnson v. Pennsylvania Public Utility
Commission

No. 192 C.D. 2024 (Pa. Commw. Ct. Apr. 15 2025) · No. 192 C.D. 2024 · Decided April 15, 2025

SUMMARY

The Pennsylvania Commonwealth Court reviewed Pennsylvania Public Utility Commission orders concerning its jurisdiction over claims arising from Duquesne Light’s notice and potential placement of a high-voltage transmission line near property purchased by the petitioners. The court held that the PUC lacked jurisdiction to determine Duquesne Light’s duties under common-law negligence principles regarding the timing and extent of notice. It reversed the December 21, 2023 order and vacated as moot the February 1, 2024 order denying reconsideration.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Christine Fizzano Cannon; Patricia A. McCullough; Mary Hannah Leavitt
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	April 15, 2025
DOCKET	192 C.D. 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review of Pennsylvania Public Utility Commission orders determining that the Commission had jurisdiction over the petitioners' formal complaint and denying reconsideration.
STANDARD OF REVIEW	On review of a PUC decision, the court determines whether substantial evidence supports the necessary factual findings, whether the PUC committed an error of law, and whether constitutional rights were violated. The court defers to the PUC's interpretation of the Public Utility Code and its regulations unless clearly erroneous, but reviews legal issues de novo under a plenary scope of review.
PRECEDENTIAL VALUE	Published opinion of the Commonwealth Court of Pennsylvania.
PARTIES	Charles Johnson, Laura Johnson v. Pennsylvania Public Utility Commission

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QUESTIONS PRESENTED

1. Whether the PUC had primary jurisdiction to determine Duquesne Light's duties under Section 1501 of the Public Utility Code concerning the timing and extent of notice to property owners and the public about possible transmission-line locations when the underlying claims were common-law negligence and recklessness claims.
2. Whether the Johnsons' request for reconsideration of the PUC's jurisdictional order became moot after the Commonwealth Court resolved the jurisdiction issue.

HOLDINGS

1. The PUC lacked primary jurisdiction to determine Duquesne Light's duties under common-law negligence principles regarding the timing and extent of notice to the Johnsons and the public about the possible location of the transmission line.
2. The request for reconsideration was moot because the Commonwealth Court reversed the PUC's jurisdictional determination.

KEY QUOTATIONS

“We similarly conclude here that allowing a county court or a jury to determine Duquesne Light’s duties under common law negligence principles regarding the timing and extent of notice to property owners and the public of an electric power transmission line’s possible location under the particularized facts and circumstances of the Johnsons’ individualized claim will not directly contravene the legislative intent, nor will it create the kind of patchwork of individual regulations that the Public Utility Code was intended to avoid.” (11-12)

“For the foregoing reasons, we conclude that the PUC erred in determining that it had jurisdiction to consider Duquesne Light’s duties in providing notice to the Johnsons and the public regarding possible locations of its planned electrical transmission line.” (12)

FACTUAL BACKGROUND

The Johnsons purchased real property in April 2017 while Duquesne Light was considering possible routes for a high-voltage transmission line across the property. They alleged that Duquesne Light failed to notify them or their predecessors before the purchase, later publicly identified possible routes that placed a cloud on the property, and did not remove the routes from its website until 2020. The Johnsons claimed that this conduct caused the property to become unsalable or diminished in value and caused them to incur ownership and maintenance costs.

PROCEDURAL HISTORY

The Johnsons sued Duquesne Light in the Allegheny County Court of Common Pleas for negligence and recklessness arising from the utility's notice concerning possible transmission-line routes. The trial court stayed the tort action pending a PUC determination regarding Duquesne Light's duty, and the Johnsons' attempts to obtain immediate appellate review were denied. The PUC administrative law judge initially dismissed the formal complaint for lack of jurisdiction, but the PUC reversed that determination, found jurisdiction, and later denied reconsideration and closed the matter. The Commonwealth Court reversed the PUC's jurisdictional order and vacated the reconsideration order as moot.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The December 21, 2023 PUC jurisdictional order is reversed. The February 1, 2024 order denying reconsideration is vacated as moot. The court stated that there was nothing to transfer to the trial court because the trial court had merely stayed, rather than transferred, the tort action.

CASES CITED

- Johnson v. DQE Holdings LLC (Allegheny Cnty. C.P., No. GD-19-007611, filed Feb. 18, 2020)
- Johnson v. DQE Holdings (Pa. Super., No. 44 WDM 2020, filed Mar. 15, 2021)
- Johnson v. DQE Holdings, 269 A.3d 1226 (Pa. 2021)
- Retail Energy Supply Association v. Pennsylvania Public Utility Commission, 185 A.3d 1206, 1220 (Pa. Commw. Ct. 2018)
- Schweitzer v. Rockwell International, 586 A.2d 383, 391 (Pa. Super. Ct. 1990)
- Hoch v. Philadelphia Electric Co., 492 A.2d 27, 31-32 (Pa. Super. Ct. 1985)
- Elkin v. Bell Telephone Co., 420 A.2d 371, 375-76 (Pa. 1980)
- PPL Electric Utilities Corp. v. City of Lancaster, 214 A.3d 639, 650, 656 (Pa. 2019)
- Poorbaugh v. Pennsylvania Public Utility Commission, 666 A.2d 744, 751 (Pa. Commw. Ct. 1995)
- Morrow v. Bell Telephone Co., 479 A.2d 548, 551 (Pa. Super. Ct. 1984)
- Litman v. Peoples Natural Gas Co., 449 A.2d 720, 723 (Pa. Super. Ct. 1982)
- Behrend v. Bell Telephone Co., 363 A.2d 1152, 1158 (Pa. Super. Ct. 1976)
- DiSanto v. Dauphin Consolidated Water Supply Co., 436 A.2d 197, 199 (Pa. Super. Ct. 1981)
- Lerch v. Unemployment Compensation Board of Review, 180 A.3d 545, 550 (Pa. Commw. Ct. 2018)

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