

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265**

**MAUREEN CHRISTIAN
V.
DUQUESNE LIGHT COMPANY**

**PUBLIC MEETING
MAY 1, 2008
APR-2008-OSA-0088R*
Docket No. F-02126762**

DISSENTING STATEMENT OF COMMISSIONER KIM PIZZINGRILLI

Before the Commission for consideration are the exceptions of Maureen Christian (Complainant) to the Initial Decision (ID) of Administrative Law Judge Robert P. Meehan (ALJ) issued on March 7, 2007¹.

The Complainant alleged that Duquesne Light Company (Respondent) improperly failed to connect her service at a new address. The Respondent disconnected Complainant's service, at her request, on June 29, 2006 and issued a final bill to Complainant. As of the date she filed her complaint, Complainant had a final outstanding account balance with Respondent of \$340.94. Complainant requested service from Respondent at a new address on August 10, 2006. The Respondent informed the Complainant that before having service connected, she would have to pay the entire outstanding balance from her previous address. Complainant then contacted the Respondent's Customer Assistance Program administrators and was advised to pay one-half of the outstanding balance to have service connected. The Complaint is a timely appeal from a Bureau of Consumer Services (BCS) determination on her informal complaint issued October 4, 2006. The BCS concluded that Duquesne followed proper procedures in denying service based on the outstanding balance due from her previous residence.

Following a hearing, the ALJ issued an Initial Decision dismissing the Complaint on the basis that the Complainant failed to sustain her burden of proving that the Respondent's actions, in requiring payment of her outstanding balance as a condition to providing service, violated the Public Utility Code or a Commission Order or regulation. It is well settled in cases such as the one before us, the party seeking affirmative relief has the burden of proof. Therefore, the Complainant is the party seeking relief from the Commission and must present sufficient evidence to demonstrate that she is entitled to the relief she seeks. See *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (1950); *Feinstein v. Philadelphia Suburban Water Company*, 50 Pa. PUC 300 (1976).

The Complainant's exceptions restate the allegations of the Complaint and further state that the Complainant met her burden of proof. However, the record in this case is devoid of any evidence, either testimonial or documentary, to support this conclusion. Furthermore, the exhibits admitted into the record by the Complainant, do not provide any information demonstrating that the Respondent's actions violated the Public Utility Code or a Commission regulation or order. Therefore, I concur with the ALJ's decision.

May 1, 2008
Date

KIM PIZZINGRILLI, COMMISSIONER

¹ The Initial Decision was re-served to Complainant on March 27, 2007.