

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

Margaret Fitchwell-Hill v. Duquesne Light Company

**PUBLIC MEETING
March 12, 2009
2022545-ALJ
Docket No. C-2008-2022545**

DISSENTING STATEMENT OF COMMISSIONER KIM PIZZINGRILLI

In the case before us, the Administrative Law Judge (ALJ) held that Duquesne Light Company (Duquesne) terminated service for non-payment consistent with the provisions of the Public Utility Code, Commission regulations, and its tariff. The ALJ also determined that Duquesne imposed a reconnection fee to restore service in manner consistent with its tariff. I concur with the ALJ.

The majority would apply Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, to find that Duquesne acted unreasonably in terminating service and imposing a reconnection fee. I agree that there are some circumstances when the Commission should apply Section 1501 to determine that the service provided by a utility was unreasonable, even in the absence of a violation of a regulation, tariff, or another statutory provision. As the ALJ noted in the ID, he was surprised at the efficiency demonstrated by the company in terminating the service, but could not conclude on the record that termination was improper. I agree with this conclusion however, in the interest of promoting good customer relations, I encourage the company to consider crediting the \$50 reconnection fee to the complainant's account.

March 12, 2009
Date

KIM PIZZINGRILLI, COMMISSIONER