

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265**

**Gary Meyers
v.
Duquesne Light Company**

**PUBLIC MEETING
November 6, 2009
2107081-ALJ
Docket No. C-2009-2107081**

MOTION OF COMMISSIONER KIM PIZZINGRILLI

Before the Commission for consideration is the Initial Decision (ID) of a Special Agent that dismisses a complaint with prejudice for failure to prosecute. While I agree with the Special Agent that this case should be dismissed, Conclusion of Law No. 2 must be stricken from the ID. That Conclusion of Law states that the respondent did not violate the Public Utility Code or a Commission regulation or order; however, due to the Complainant's failure to appear at the hearing, no factual record was created to support this conclusion. Accordingly, there is no basis to conclude whether or not a violation of the Code or Commission regulations occurred.

THEREFORE, I MOVE THAT:

1. The Initial Decision be modified consistent with this Motion.
2. The Office of Special Assistants prepare an Order consistent with this Motion.

November 6, 2009
Date

KIM PIZZINGRILLI, COMMISSIONER