



Duquesne Light

Our Energy...Your Power

Legal Department
411 Seventh Avenue, 16-1
Pittsburgh, PA 15219

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Krycia M. Kubiak
Assistant General Counsel

December 28, 2009

E-filed

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Albert S. Merritt v. Duquesne Light Company
Docket No. F-2009-2122659

Dear Secretary McNulty:

Attached please find a copy of Respondent's Second Motion for Sanctions for Failure to Respond to Discovery Requests. A copy of this document has been served upon Complainant in accordance with Commission Regulations.

Sincerely,

Krycia Kubiak
Attorney for Duquesne Light Company

Enclosure

cc: Albert S. Merritt (with enclosure)
Special Agent Eranda Vero (with enclosure)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|-------------------------|---|---------------------------|
| ALBERT S. MERRITT, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Docket No. F-2009-2122659 |
| |) | |
| DUQUESNE LIGHT COMPANY, |) | |
| |) | |
| Respondent. |) | |

**RESPONDENT'S DUQUESNE LIGHT COMPANY'S
SECOND MOTION FOR SANCTION FOR FAILURE TO RESPOND TO
DISCOVERY REQUESTS**

TO THE HONORABLE COMMISSION:

NOW comes Respondent Duquesne Light Company, by and through its attorney Krysia Kubiak, and files this Motion for Sanctions:

1. Respondent Duquesne Light Company (hereinafter "Duquesne Light") served its Requests for Documents on Complainant Albert Merritt by first-class mail on August 27, 2009.
2. Respondent received no response to its discovery requests.
3. On November 25, 2009, Special Agent Eranda Vero ordered Complainant to fully and completely answer Duquesne Light Company's Requests by December 15, 2009. The only modification was that Duquesne Light Company's request for pay stubs was limited to the last two months, as opposed to the last year. All other requests for documents were to be answered completely.
4. Under the terms of the Order, if Complainant failed to comply with the Order, then the Complaint would be dismissed.

5. On December 23, 2009, Complainant mailed one month of pay stubs to Respondent for himself and his wife. See Exhibit 1. The other documents that were requested and ordered to be disclosed, including tax returns, mortgage information, bank account statements or household electrical appliances, were not provided.

6. The pay stubs provided indicate a yearly household income over \$100,000.

7. Furthermore, the financial information provided establishes that Complainant was provided the correct payment agreement from the Bureau of Consumer Services in July of 2009 (budget bill plus \$240 which is a six month payment agreement).

WHEREFORE, Respondent requests that the Commission dismiss this complaint due to Complainant's failure to comply with the Commission's regulations or with a direct order.

Respectfully submitted,



Krysia Kubiak
Attorney for Respondent
Duquesne Light Company
411 7th Avenue (16-1)
Pittsburgh, PA 15219
Telephone: (412) 393-6505
FAX: (412) 393-5897

December 15, 2009

To Whom It May Concern:

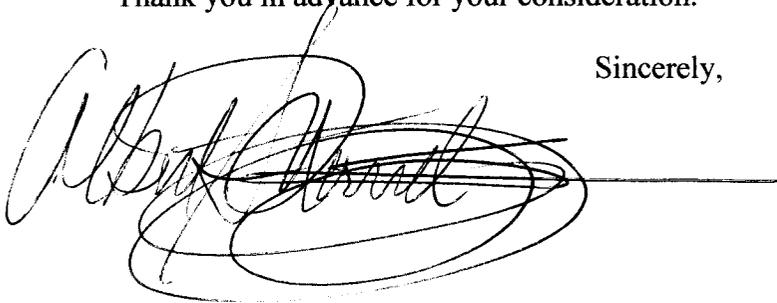
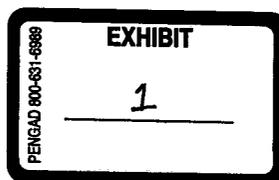
Our financial difficulties began in 2006 after my wife and I both experienced a brief period of unemployment. We were unable to collect unemployment benefits because we were officers for the company we worked for and were therefore excluded. The company we worked was located inside the Pittsburgh International Airport and eventually closed due to the devastating event of 9/11. To maintain family health insurance through COBRA we struggled to make monthly payments of \$1100 until one of us could secure employment that offered insurance. We especially needed to keep coverage since our son has asthma. The past three years have truly been the most challenging time in our lives. We have struggled to keep up with household monthly expenses and support our family.

Last October, 2008 my wife was hired by PNC and nearly doubled her salary and August of this year I obtained a permanent position as Director of Operations for a non-profit organization.. With these positive changes in our lives our income has significantly increased and the amount of monthly income is more consistent so we are able to establish a budget to pay our monthly expenses and work on becoming current with all outstanding obligations.

Enclosed are pay stubs for two months. The number of people in the household is 4; myself, wife and two children. It is our hope that a reasonable monthly payment will be established so we can work towards curing our obligation with Duquesne Light.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert J. Arnold", is written over a horizontal line. The signature is somewhat stylized and loops around the line.

Earnings Statement



HOSANNA HOUSE, INC.
 807 WALLACE AVENUE
 WILKINSBURG, PA. 15221

Period Ending: 11/15/2009
 Pay Date: 11/23/2009

Taxable Marital Status: Married
 Exemptions/Allowances:
 Federal: 4
 PA: N/A

ALBERT MERRITT
 1205 HARROW HILL
 MOON TOWNSHIP, PA 15108

Social Security Number: XXX-XX-3614

| <u>Earnings</u> | <u>rate</u> | <u>hours</u> | <u>this period</u> | <u>year to date</u> |
|------------------|-------------|--------------|--------------------|---------------------|
| Regular | 2692.31 | | 2,692.31 | 16,153.86 |
| Gross Pay | | | \$2,692.31 | 16,153.86 |

| <u>Other Benefits and Information</u> | <u>this period</u> | <u>total to date</u> |
|---------------------------------------|--------------------|----------------------|
| Lst Tax | | 12.00 |

| <u>Deductions</u> | <u>Statutory</u> | | |
|-------------------|---------------------|-------------------|----------|
| | Federal Income Tax | -206.62 | 1,250.52 |
| | Social Security Tax | -164.69 | 992.61 |
| | Medicare Tax | -38.51 | 232.14 |
| | PA State Income Tax | -81.55 | 491.52 |
| | PA SUI/SDI Tax | -1.61 | 9.69 |
| | <u>Other</u> | | |
| | At Life-Aflac | -18.72 | 74.88 |
| | Lst | -2.00 | 12.00 |
| | Pt Std-Aflac | -36.00* | 144.00 |
| Net Pay | | \$2,142.61 | |

* Excluded from federal taxable wages

Your federal taxable wages this period are
 \$2,656.31

Earnings Statement



HOSANNA HOUSE, INC.
 807 WALLACE AVENUE
 WILKINSBURG, PA. 15221

Period Ending: 11/29/2009
 Pay Date: 12/07/2009

Taxable Marital Status: Married
 Exemptions/Allowances:
 Federal: 4
 PA: N/A

ALBERT MERRITT
 1205 HARROW HILL
 MOON TOWNSHIP, PA 15108

Social Security Number: XXX-XX-3614

| Earnings | rate | hours | this period | year to date |
|------------------|---------|-------|-------------------|------------------|
| Regular | 2692.31 | | 2,692.31 | 18,846.17 |
| Holiday | | 16.00 | | |
| Gross Pay | | | \$2,692.31 | 18,846.17 |

| Other Benefits and Information | this period | total to date |
|--------------------------------|-------------|---------------|
| Lst Tax | | 14.00 |

| Deductions | Statutory | | |
|------------|---------------------|-------------------|----------|
| | Federal Income Tax | -206.62 | 1,457.14 |
| | Social Security Tax | -164.69 | 1,157.30 |
| | Medicare Tax | -38.52 | 270.66 |
| | PA State Income Tax | -81.55 | 573.07 |
| | PA SUI/SDI Tax | -1.62 | 11.31 |
| | Other | | |
| | At Life-Aflac | -18.72 | 93.60 |
| | Lst | -2.00 | 14.00 |
| | Pt Std-Aflac | -36.00* | 180.00 |
| | Net Pay | \$2,142.59 | |

* Excluded from federal taxable wages

Your federal taxable wages this period are
 \$2,656.31

| EMPLOYEE NAME HERRITT,FRANCENIA | | PAY ENTITY 001 | | SOCIAL SECURITY NO. XXX-XX-5659 | | DATE 11/25/2009 | |
|------------------------------------|-------|-------------------|--------------|------------------------------------|----------------|--------------------|--|
| EARNINGS | HOURS | CURRENT AMOUNT | YEAR TO DATE | DEDUCTION | CURRENT AMOUNT | YEAR TO DATE | |
| REGULAR | 64.00 | 1,255.39 | 33,986.10 | FICA-MED | 19.92 | 470.04 | |
| VACATION | 8.00 | 156.92 | 1,083.08 | FICA-OASDI | 85.19 | 2,009.83 | |
| HOLIDAY | 8.00 | 156.92 | 1,236.94 | FED INC TX | 35.34 | 960.54 | |
| DENTAL | .00 | 10.08 | 241.79 | PA UNEHPL | .95 | 22.25 | |
| VISION | .00 | 5.60 | 134.40 | PGH LS TX | 2.00 | 48.00 | |
| MEDICAL | .00 | 179.49 | 4,284.03 | PA STATE | 42.18 | 995.19 | |
| TIME OFF | .00 | .00 | 770.77 | MOON TWP | 13.74 | 324.11 | |
| | | | | ACC INS | .30 | 7.08 | |
| TOTAL EARNINGS | | 1,374.06 | 32,416.67 | TOTAL DEDUCTIONS | 199.62 | 4,837.04 | |

Y-T-D FEDERAL WAGES 32,416.67

PNC BANK, N.A.
PNC BANK, N.A.



DATE
11/25/2009

001 XXXXX5659 6221980392 093240010353

AMOUNT
*****1,174.44

HERRITT,FRANCENIA
REA BUSINESS CONSTRUCTION LOAN
0010001326
P7-PFSC-04-V
PITTSBURGH

NON NEGOTIABLE
NOTIFICATION OF DEPOSIT

| EMPLOYEE NAME HERRITT,FRANCENIA | | PAY ENTITY 001 | | SOCIAL SECURITY NO. XXX-XX-5659 | | DATE 12/10/2009 | |
|------------------------------------|-------|-------------------|--------------|------------------------------------|----------------|--------------------|--|
| EARNINGS | HOURS | CURRENT AMOUNT | YEAR TO DATE | DEDUCTION | CURRENT AMOUNT | YEAR TO DATE | |
| REGULAR | 48.00 | 941.55 | 34,927.65 | FICA-MED | 19.93 | 489.97 | |
| VACATION | 16.00 | 313.84 | 1,396.92 | FICA-OASDI | 85.20 | 2,095.03 | |
| HOLIDAY | 16.00 | 313.84 | 1,550.78 | FED INC TX | 35.34 | 995.88 | |
| DENTAL | .00 | 10.08 | 251.87 | PA UNEHPL | .94 | 23.19 | |
| VISION | .00 | 5.60 | 140.00 | PGH LS TX | 2.00 | 50.00 | |
| MEDICAL | .00 | 179.49 | 4,463.52 | PA STATE | 42.18 | 1,037.37 | |
| TIME OFF | .00 | .00 | 770.77 | MOON TWP | 13.74 | 337.85 | |
| | | | | ACC INS | .30 | 7.38 | |
| TOTAL EARNINGS | | 1,374.06 | 33,790.73 | TOTAL DEDUCTIONS | 199.63 | 5,036.67 | |

Y-T-D FEDERAL WAGES 33,790.73

PNC BANK, N.A.
PNC BANK, N.A.



DATE
12/10/2009

001 XXXXX5659 6221980392 093410009604

AMOUNT
*****1,174.43

HERRITT,FRANCENIA
REA BUSINESS CONSTRUCTION LOAN
0010001326
P7-PFSC-04-V
PITTSBURGH

NON NEGOTIABLE
NOTIFICATION OF DEPOSIT

PNC BANK, N.A.
PNC BANK, N.A.



AMOUNT
*****1,174.44

093100012500

001 XXXXX5659 6221980392

DATE
11/12/2009

MERRITT,FRANCENIA
REA BUSINESS CONSTRUCTION LOAN
0010001326
P7-PFSC-04-V
PITTSBURGH

NON NEGOTIABLE
NOTIFICATION OF DEPOSIT

| EMPLOYEE NAME | HOURS | CURRENT AMOUNT | YEAR TO DATE | DEDUCTION | CURRENT AMOUNT | YEAR TO DATE |
|-------------------|-------|----------------|--------------|------------------|----------------|--------------|
| MERRITT,FRANCENIA | | | | | | |
| EARNINGS | | | | | | |
| REGULAR | 76.00 | 1,490.77 | 32,730.71 | FICA-MED | 19.93 | 450.12 |
| TIME OFF | 4.00 | 78.46 | 770.77 | FICA-OASDI | 85.19 | 1,924.64 |
| DENTAL | .00 | 10.08 | 231.71 | FED INC TX | 35.34 | 925.20 |
| VISION | .00 | 5.60 | 128.80 | PA UNEMPL | .94 | 21.30 |
| MEDICAL | .00 | 179.49 | 4,104.54 | PGH LS TX | 2.00 | 46.00 |
| VACATION | .00 | .00 | 926.16 | PA STATE | 42.18 | 953.01 |
| HOLIDAY | .00 | .00 | 1,080.02 | MOON TWP | 13.74 | 310.57 |
| | | | | ACC INS | .30 | 6.78 |
| TOTAL EARNINGS | | 1,374.06 | 31,042.61 | TOTAL DEDUCTIONS | 199.62 | 4,637.42 |

DATE 11/12/2009

PAY ENTITY 001 SOCIAL SECURITY NO. XXX-XX-5659

TOTAL FEDERAL WAGES 31,042.61

