



Duquesne Light

Our Energy...Your Power

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February 5, 2010

Via E-Filing and Regular US Mail

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

Re: Terra Fabec v. Duquesne Light Company
Docket Number F-2009-2160998

Dear Secretary McNulty:

Enclosed please find an original and three copies of Duquesne Light Company's Rely Exceptions. A copy of this document has been served upon Complainant in accordance with Commissions regulations.

Sincerely,

Krycia Kubiak
Assistant General Counsel
Duquesne Light Company

Enclosures
cc: Terra Fabec (w/enclosures)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TERRA FABEC,)	
)	
Complainant,)	
)	
v.)	Docket No. F-2009-2106998
)	
DUQUESNE LIGHT COMPANY,)	
)	
Respondent.)	

**RESPONDENT DUQUESNE LIGHT COMPANY'S
REPLY EXCEPTIONS**

AND NOW comes Respondent Duquesne Light Company, by and through its attorney Krysia Kubiak, and files the following Reply to Complainant's Exceptions to the Initial Decision:

BACKGROUND

Complainant filed the above-captioned Formal Complaint on or about May 10, 2009. In the complaint, Complainant claimed that she did not use the amount of electricity for which she was being billed. A hearing was held on October 9, 2009.

REPLY TO EXCEPTIONS

Complainant's Exceptions do not comply with Commission Regulation 5.533(b), 52 Pa. Code §5.533(b), which requires that each exception be numbered. The majority of Complainant's pleading re-states facts from the hearing or states new facts, as opposed to an objection to the truthfulness of the findings or conclusions of Judge Melillo.

Further, Complainant offered no evidence whatsoever to support her assertion that she did not use that amount of electricity. This is significant because Complainant has the burden of proof in her Complaint. 'Burden of proof' imports the duty of finally

establishing the existence of a certain fact or set of facts by evidence which preponderates to a legally required extent. Se-Ling Hosiery v. Margulies 364 Pa. 45, 70 A.2d 854(1950).

Complainant's new information (testimony about her apartment's hot water heaters) is not properly raised in Exceptions, and is irrelevant to the issues before this body.

WHEREFORE, Respondent Duquesne Light Company respectfully requests that the Commission deny Complainant's exceptions and adopt the Initial Decision.

Respectfully Submitted:

Duquesne Light Company
By Counsel:



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