



Duquesne Light

Our Energy...Your Power

Legal Department
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Krycia Kubiak
Assistant General Counsel

July 15, 2010

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: E.S. Management v. Duquesne Light Company
Docket No. C-2009-2148511

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion for Sanction. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,

Krycia Kubiak
Assistant General Counsel
Duquesne Light Company

encs

cc: Administrative Law Judge Conrad A. Johnson (w/enclosure)
E.S. Management (w/enclosure)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

E.S. MANAGEMENT,)	
)	
Complainant,)	
)	
v.)	Docket No. C-2009-2148511
)	
DUQUESNE LIGHT COMPANY,)	
)	
Respondent.)	

**RESPONDENT'S DUQUESNE LIGHT COMPANY'S
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 served its Requests for Documents on Complainant E.S. Management by first-class mail on June 22, 2010. See Exhibit 1.
2. Respondent received no response to its requests for documents.
3. Commission Regulation 5.349(d), 52 Pa. Code §5.349(d), provides that the party upon whom the request is served shall serve a written response within 20 days after the service of the request.
4. Respondent Duquesne Light served its written interrogatories on Complainant E.S. Management by first-class mail on June 22, 2010. See Exhibit 1.
5. Respondent received no response to its written interrogatories.
6. Commission Regulation 5.342(d), 52 Pa. Code § 5.342(d), provides that the party upon whom the request is served shall serve a written response within 20 days after the service of the interrogatories.

7. Commission Regulation 5.371(a)(1), 52 Pa. Code §5.371(a)(1), provides that the presiding officer may, on motion, make an appropriate order if a party fails to respond to discovery requests.

8. Commission Regulation 5.372(a)(1), 52 Pa. Code §5.372(a)(1) provides that the presiding officer may make an order that the matters regarding which the questions were asked or the matters regarding the contents of the paper shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.

9. Commission Regulation 5.372(a)(2), 52 Pa. Code §5.372(a)(2) provides that the presiding officer may make an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing into evidence designated documents, things or testimony.

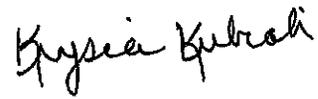
10. Commission Regulation 5.372(a)(3), 52 Pa. Code §5.372(a)(3) provides that the presiding officer may make an order entering a judgment against the disobedient party.

WHEREFORE, Respondent requests that the Commission:

- (a) direct Complainant to fully and completely answer said document requests forthwith;
and
- (b) if Complainant fails to fully and completely respond:
 - (i) Take it as established that Elizabeth Larson was employed by Complainant on the occasions that she had contact with Respondent regarding 916 Oakmont Avenue.
 - (ii) Take it as established that 916 Oakmont Avenue was Complainant's principal place of business until April 18, 2008.
 - (iii) preclude Complainant from offering testimony or other evidence in this matter;
 - (iv) dismiss this complaint due to Complainant's failure to comply with Commission regulations; and/or

- (v) impose such other sanctions as the Commission may deem appropriate.

Respectfully submitted,

A handwritten signature in black ink that reads "Krysia Kubiak". The signature is written in a cursive style with a large initial "K".

Krysia Kubiak
Attorney for Respondent
Duquesne Light Company
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Pittsburgh, PA 15219
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FAX: (412) 393-5897

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

E. S. MANAGEMENT,)
)
 Complainant,)
)
 v.) Docket No. C-2009-2148511
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant).

Michael E. Hughes, Esquire
355 Fifth Avenue, Suite 1416
Pittsburgh, PA 15222

Dated this 15th day of July, 2010.


Krysia Kubiak
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