



Duquesne Light

Our Energy...Your Power

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

Tel 412-393-6505
Fax 412-393-1418
kkublak@duqlight.com

Krycia Kubiak
Assistant General Counsel

August 13, 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 to Dismiss. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,

A handwritten signature in black ink that reads "Krycia Kubiak".

Krycia Kubiak
Assistant General Counsel
Duquesne Light Company

encs

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

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**RESPONDENT DUQUESNE LIGHT COMPANY'S
MOTION TO DISMISS**

TO THE HONORABLE COMMISSION:

AND NOW comes Respondent, Duquesne Light Company, by and through its attorney, Krysia Kubiak, and files this Motion to Dismiss in accordance with Commission Regulations 5.103, 52 Pa. Code § 5.103:

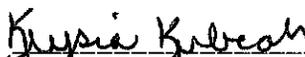
1. Complainant filed the above-captioned Formal Complaint on or about December 16, 2009.
2. Commission Regulation 1.21(b), 52 Pa. Code §1.21(b), provides that persons in adversarial proceedings, except for individuals representing themselves, shall be represented by an attorney admitted to practice in the Commonwealth of Pennsylvania.
3. Administrative Law Judge Conrad A. Johnson filed an Order Granting In Part and Denying In Part Complainant's Motion for Continuance on June 14, 2010.

4. Said Order ordered that Complainant E.S. Management shall have a duly licensed attorney enter his/her Notice of Appearance in this case by June 30, 2010.
5. On June 30, 2010, Michael E. Hughes, Esq. entered his Notice of Appearance in this case.
6. On August 6, 2010, Michael E. Hughes, Esq. entered his Notice of Withdrawal of Appearance in this case.
7. No other attorney has entered a Notice of Appearance on behalf of Complainant in this case.
8. On June 22, 2010, Respondent served discovery requests consisting of Interrogatories and Request for Documents upon Complainant.
9. Respondent did not receive a response to its discovery requests within 20 days of service of the requests.
10. On July 15, Respondent filed a Motion for Sanction for Failure to Respond to Discovery Requests.
11. On July 22, 2010, Administrative Law Judge Conrad A. Johnson filed an Order Granting Respondent's Motion to Compel Complainant to Answer Discovery Requests.
12. Said Order ordered that Complainant serve written answers and written responses by August 10, 2010, to Respondent's Interrogatories and Request for Documents there were served upon Complainant on June 22, 2010.
13. Said Order further ordered that Complainant's failure to comply with said Order shall result in sanctions being imposed upon Complainant as provided under 52 Pa. Code §5.372

WHEREFORE, Respondent requests that the Commission dismiss this Formal Complaint for failure to be represented by an attorney and/or failure to respond to discovery requests.

Respectfully submitted:

DUQUESNE LIGHT COMPANY
By Counsel:



Krycia Kublak
Pa. I.D. # 90619
Duquesne Light Company
411 Seventh Avenue, 16-1
Pittsburgh, PA 15219
Telephone: (412) 393-6505
FAX (412) 393-1418

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

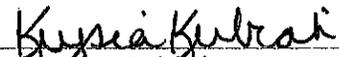
E. S. MANAGEMENT,)
)
 Complainant,)
)
 v.) Docket No. C-2009-2148511
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

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).

E. S. Management
P.O. Box 342
Verona, PA 15147

Dated this 13th day of August, 2010.



Krysta Kublak
Pa. I.D. # 90619
Duquesne Light Company
411 Seventh Avenue
Mail Drop 16-1
Pittsburgh, PA 15219
Telephone: (412) 393-6505
FAX (412) 393-1418