



Duquesne Light

Our Energy...Your Power

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

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Krycia Kubiak
Assistant General Counsel

October 12, 2010

Via Electronic Filing

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

RE: Robert Gromo v. Duquesne Light Company
Docket No. C-2010-2164446

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion for Sanction 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
Assistant General Counsel
Duquesne Light Company

encs

cc: Robert Gromo (w/enclosure)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT GROMO,)	
)	
Complainant,)	
)	
v.)	Docket No. C-2010-2164446
)	
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 Robert Gromo by first-class mail on September 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. 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.
5. 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 the questions which were asked,

or 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.

6. 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.

7. 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.

8. Commission Regulation 5.372(a)(4), 52 Pa. Code §5.372(a)(4) provides that the presiding officer may make an order with regard to the failure to make discovery as is just.

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 Robert Gromo has been a resident of 3876 Delco Road, Pittsburgh, PA 15227 since 1997;
 - (ii) take it as established that Rae Ann Szarmach has been a resident of a resident of 3876 Delco Road, Pittsburgh, PA 15227 since 1997;
 - (iii) take it as established that there was a dog at 3876 Delco Road, Pittsburgh, PA 15227 in the summer of 2009;
 - (iv) preclude Complainant from offering testimony or other evidence in this matter;
 - (v) dismiss this complaint due to Complainant's failure to comply with Commission regulations; and/or
 - (vi) 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' and a long, sweeping underline.

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

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT GROMO)
)
 Complainant,)
)
 v.) Docket No. C-2010-2164446
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

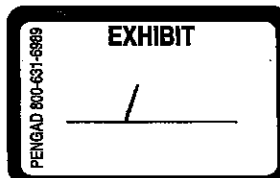
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Respondent Duquesne Light's Interrogatories and Request for Documents upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant).

Robert Gromo
3876 Delco Rd.
Pittsburgh, PA 15227

Dated this 22th day of September, 2010

Krysia Kubiak
Krysia Kubiak
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



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

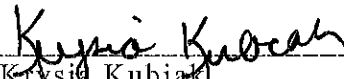
ROBERT GROMO,)
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 Complainant,)
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 v.) Docket No. C-2010-2164446
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

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).

Robert Gromo
3876 Delco Rd.
Pittsburgh, PA 15227

Dated this 12th day of October, 2010.



Krysta Kubiak
Pa. I.D. # 90619
Duquesne Light Company
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Pittsburgh, PA 15219
Telephone: (412) 393-6505
FAX (412) 393-1418