



Duquesne Light

Our Energy...Your Power

Legal Department
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Krycia Kubiak
Assistant General Counsel

November 17, 2010

Via Electronic Filing

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

RE: Martin I. Coleman v. Duquesne Light Company
Docket No. F-2010-2167353

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,

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

Krycia Kubiak
Assistant General Counsel
Duquesne Light Company

encs

cc: Administrative Law Judge Mark A. Hoyer (w/enclosure)
Martin I. Coleman (w/enclosure)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MARTIN I. COLEMAN)	
)	
Complainant,)	
)	
v.)	Docket No. F-2010-2167353
)	
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 Martin Coleman by first-class mail on October 7, 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:

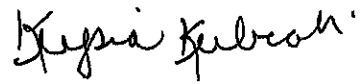
(i) Take it as established that Martin Coleman was a resident of 4815 Broad St., Pittsburgh, PA 15224 from August 24, 2007 to June 10, 2010;

(ii) preclude Complainant from offering testimony or other evidence in this matter;

(iii) dismiss this complaint due to Complainant's failure to comply with Commission regulations; and/or

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Krysia Kubiak". The signature is written in a cursive style with a prominent initial "K".

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

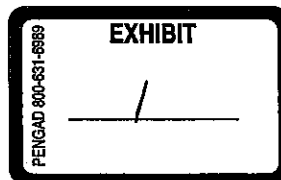
MARTIN I. COLEMAN,)
)
 Complainant,)
)
 v.) Docket No. F-2010-2167353
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

**RESPONDENT DUQUESNE LIGHT COMPANY'S
REQUESTS FOR DOCUMENTS**

TO THE HONORABLE COMMISSION:

AND NOW comes Respondent Duquesne Light Company, by and through its attorney Krysia Kubiak, and files this Request for Documents in accordance with Commission Regulation 5.349 (b), 52 Pa. Code § 5.349 (b). In accordance with Commission Regulation 5.349 (b), 52 Pa. Code § 5.349 (b), Respondent requests that Complainant reproduce the designated documents at Respondent's expense. In accordance with Commission Regulation 5.349 (d), 52 Pa. Code § 5.349(d), Complainant has 20 days after service of this request to produce said documents.

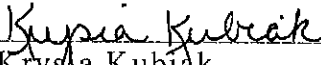
1. Copies of all of your leases from 2007 to present day.
2. Copy of the first page of your tax return for the years 2007, 2008 and 2009.



3. Copies of your checking or savings account statements for 2007-2010.
4. Copy of complete college transcript from University of Pittsburgh.
5. Copy of transcript for any other school attended between 2007 and the present day.
6. Copy of your driver's license or other state issued ID.
7. List of all adults who you resided with from 2007 to present day.
8. Copies of your cell phone bill from 2007 to present day.

Respectfully submitted,

DUQUESNE LIGHT COMPANY
By Counsel:


Krycia Kubiak
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