

March 22, 2013

Via Electronic Filing

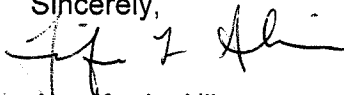
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: John Conte v. Duquesne Light Company
Docket No. C-2013-2345198

Dear Secretary Chiavetta:

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

Sincerely,



Jennifer L. Allison
Attorney for Duquesne Light Company

Enclosure

cc: John Conte (with enclosure)
Administrative Law Judge Katrina L. Dunderdale (with enclosure)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN CONTE,

Complainant,

vs.

No: C-2013-2345198

DUQUESNE LIGHT COMPANY,

Respondent.

MOTION FOR JUDGMENT ON THE PLEADINGS

TO THE HONORABLE COMMISSION:

AND NOW comes Respondent, Duquesne Light Company, by and through its attorneys, Tucker Arensberg, P.C., pursuant to 52 Pa. Code §5.102(a), respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as it requests damages for the following reasons:

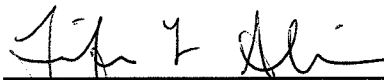
1. This Complaint should be dismissed inasmuch as it is a request for damages because the Commission lacks jurisdiction to award damages.
2. Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission that was served on January 28, 2013 wherein Complainant claimed to have experienced damages from a power surge.
3. Duquesne Light Company filed an Answer and New Matter on February 20, 2013.
4. Complainant has not responded to Respondent's Answer and New Matter.
5. Complainant filed a claim for damages with Respondent, signed a release, received payment for his claim, and then contacted Respondent with an additional claim arising from the same incident.

6. To the extent that Complainant is seeking compensation for the alleged damages, that request should be denied.
7. The Public Utility Commission is without the power or jurisdiction to award damages to Complainant and therefore the Complaint is insufficient as to substance because it fails to state a claim upon which the Commission can grant relief. Therefore, since the Commission lacks the jurisdiction to award damages and the Complaint is insufficient in as much as it requests monetary relief, the part of the Complaint seeking damages should be dismissed pursuant to 52 Pa. Code §5.102(a).

WHEREFORE, Respondent, Duquesne Light Company, respectfully requests that the Honorable Commission dismiss the instant Complaint inasmuch as it is a request for damages.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



Jennifer L. Allison, Esquire
PA I.D. No. 307945

1500 One PPG Place
Pittsburgh, PA 15222
(412) 594-5527

Counsel for Respondent

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN CONTE,	:	
	:	
Complainants,	:	
	:	
vs.	:	No: C-2013-2345198
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

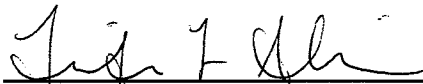
CERTIFICATE OF SERVICE

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):

John Conte
1416 Farragut St.
Conway, PA 15027

Dated this 22nd of March, 2013

TUCKER ARENSBERG, P.C.



Jennifer L. Allison, Esquire
PA I.D. No. 307945

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Company