

July 17, 2014

Via Fax - (412) 565-5692

Administrative Law Judge Conrad A. Johnson
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222

RE: Lorraine Troshak v. Duquesne Light Company
Docket No. F-2013-2363491

Dear Judge Johnson:

Yesterday I received a telephone call from your office to let me know that you had received a written request for continuance of the August 4, 2014 telephonic hearing from Complainant in this matter. Your office was kind enough to forward me this request, since Complainant had not copied me. This is Complainant's third request for a continuance in this matter due to medical reasons. Please note that Duquesne Light respectfully requests that Complainant's third request for continuance be denied.

Pennsylvania Public Utility Commission regulations provide, in relevant part, "Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date." 52 Pa. Code § 1.15(b). While a medical condition is typically good cause, the Complainant should be required to prosecute her complaint in a timely manner or withdraw her complaint.

Complainant filed her complaint on March 21, 2014. A telephone hearing was set for June 6, 2014. On May 19, 2014, Complainant set a letter requesting an alternate date due to a conflict with medical treatment. Duquesne Light agreed, and Your Honor rescheduled the telephonic hearing for June 24, 2014.

On June 16, 2014, I received a call from Your Honor's office letting me know that Complainant had asked for a second continuance, again due to medical reasons. Duquesne Light agreed to this second continuance, and the matter was set for telephonic hearing on August 4, 2014.

Yesterday, July 16, 2014, I received notice from your office of this third request for continuance. According to Complainant's letter, the currently scheduled hearing conflicts with a medical appointment. Complainant offered no reason or explanation as to why she scheduled this appointment for the same day as the hearing. She also did not offer any reason or explanation why she is completely unavailable for the telephonic hearing during the rest of August.

Complainant has a history of filing formal complaints against Duquesne Light regarding payment (see, F-2013-2363491, C-2012-2991754, C-2011-2768467). For your

convenience, I am enclosing a chronological summary of PUC orders and payment agreements. I provided this document, marked as Ex. 4, to your office and to Complainant on June 16, 2014, in anticipation of the June 24, 2014 telephonic hearing.

At the time this complaint was filed, Complainant's balance was \$3,091.61, including \$966 in CAP arrears. Today, Complainant's balance is \$2,233.95, including \$751.50 in CAP arrears. Since the complaint was filed, Complainant's account was credited with \$826 in grant money, and she has made several payments. However, Complainant's balance remains large. Duquesne Light is unable to pursue collections on the total account balance until this matter has been resolved. The longer this matter is continued, the greater the balance becomes.

As Your Honor is aware, 52 Pa. Code § 56.100 prevents the utility from terminating service to low income accounts from December 1 through March 31. This instant complaint was filed on March 21, 2014, just before the winter moratorium ended.

Similarly, Complainant filed a formal complaint against Duquesne Light on April 26, 2013, shortly after the winter moratorium ended (F-2013-2363491). That matter settled on October 9, 2013. On March 1 2012, Complainant filed a formal complaint against Duquesne Light, just before the winter moratorium ended. (C-2012-2991754). That matter resolved June 21, 2012. On January 20, 2011, she filed a formal complaint (C-2011-2768467) that did not settle until November 15, 2011.

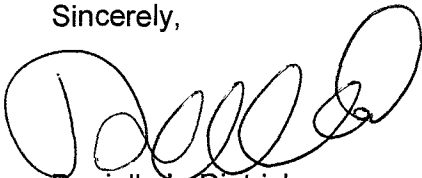
In the past 3 ½ years (since January 20, 2011), Complainant has had an open formal complaint against Duquesne Light for a total of approximately **24 months**. Complainant has also had several informal complaints, as outlined in the enclosure to this letter.

"It is well-established law that once timely notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to be present and participate in the hearing." See, Schneider v. Pa. Pub. Util. Comm'n, 479 A.2d 10 (Pa. Commw. Ct. 1984); Atuahene v. Philadelphia Gas Works, Docket No. F-2013-2389261, Commission Opinion and Order entered April 14, 2014. The Pennsylvania Commonwealth Court has made clear that in administrative hearings "a party's own negligence is not sufficient good cause as a matter of law for failing to appear at a . . . hearing." Eat 'n Park Hospitality Group, Inc. v. Unemp. Comp. Bd. of Review, 970 A.2d 492, 494-95 (Pa. Commw. Ct. 2008).

Complainant was provided with timely notice of the telephone hearing, which had been rescheduled per her request. It is important to note that the hearing is to be telephonic, which should allow Complainant more flexibility to attend. She subsequently scheduled an appointment, whether inadvertently or purposefully, at the same time as the hearing. Complainant has not claimed that this conflict was unavoidable.

Duquesne Light accommodated Complainant's first two requests for continuances. However, Duquesne Light opposes the continued unnecessary delay of this matter. Complainant has failed to offer good cause for yet another delay of this hearing. For these reasons, Duquesne Light Company respectfully requests that Complainant's Request for Continuance be denied, and the telephonic hearing proceed as scheduled on August 4, 2014 at 10:00 a.m.

Sincerely,



Danielle L. Dietrich
Attorney for Duquesne Light Company

cc: Lorraine Troshak (via email troshak@3.com and regular mail)

LIT:570556-1 014657-158498

DUQUESNE LIGHT COMPANY
CHRONOLOGICAL SUMMARY OF PUC ORDERS & PAYMENT AGREEMENTS

*Lorraine Troshak
613 20TH Street
Beaver Falls PA 15010
3000740934006*

TYPE: Formal Complaint F-2013-2363491
DATE: October 8, 2013
ACCOUNT BALANCE: \$2,777.07
TERMS: Settlement Customer to apply to energy assistance programs
Provided Certificate of Satisfaction
COMPLIANCE:

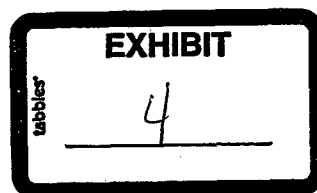
TYPE: BCS Decision No. 3069198
DATE: March 27, 2013
ACCOUNT BALANCE: \$2597.53
TERMS: Dismissed per 1405 C
COMPLIANCE:

TYPE: CAP
DATE: May 23, 2012
ACCOUNT BALANCE: \$1849.36
TERMS: 60% of budget approximately \$94 per month
\$966 CAP arrears thru March 2014 due date

TYPE: Formal Complaint C-2012-2991754
DATE: June 21, 2012
ACCOUNT BALANCE: \$1,843.87
TERMS: Settlement Customer re-enrolled in CAP on 5/23/12
COMPLIANCE:

TYPE: BCS Decision No 2931020
DATE: February 13, 2012
ACCOUNT BALANCE: \$1662.80
TERMS: Dismissed per 1405 C
COMPLIANCE:

TYPE: Payment agreement
DATE: November 22, 2011
ACCOUNT BALANCE: \$1340.42
TERMS: \$191 due 12/2/11 then Budget Bill plus \$56 (per formal settlement)
COMPLIANCE: No



Pg. 1

DUQUESNE LIGHT COMPANY
CHRONOLOGICAL SUMMARY OF PUC ORDERS & PAYMENT AGREEMENTS

Lorraine Troshak
613 20TH Street
Beaver Falls PA 15010
3000740934006

TYPE: Formal Complaint C-2011-2768467
DATE: November 15, 2011
ACCOUNT BALANCE: \$1,340.42
TERMS: Customer withdrew complaint provided Certificate of satisfaction

COMPLIANCE:

TYPE: CAP
DATE: August 19, 2011
ACCOUNT BALANCE: \$1005.69
TERMS: 100% of budget, (Auto enrolled due to LIHEAP grant) failed to provide income defaulted 11/11/11 \$405 CAP arrears

COMPLIANCE:

TYPE: BCS Decision No 2768467
DATE: December 14, 2010
ACCOUNT BALANCE: \$ 833.61
TERMS: Dismissed per 1405 C

COMPLIANCE:

TYPE: Payment Agreement
DATE: June 14, 2010
ACCOUNT BALANCE: \$646.08
TERMS: Budget bill plus \$20 begin July 2010 due date
COMPLIANCE: No

TYPE: BCS Decision No. 2520119
DATE: September 26, 2009
ACCOUNT BALANCE: \$973.10
TERMS: Dismissed per 1405 C
COMPLIANCE:

TYPE: CAP
DATE: December 15, 2008
ACCOUNT BALANCE: \$139.28
TERMS: 60% of budget defaulted 1/6/10 \$770 CAP arrears
COMPLIANCE: No
