

September 26, 2014

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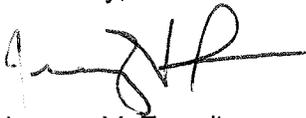
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: Carrie Wilson v. Duquesne Light Company  
Docket No. C-2014-2436065

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Enclosure

cc: Carrie Wilson (with enclosure)

LIT:573968-1 014657-158498



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CARRIE WILS,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2014-2436065
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**RESPONDENT’S PRELIMINARY OBJECTIONS**

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its preliminary objections to Ms. Wilson’s Formal Complaint:

**I. Introduction**

1. On August 7, 2014, Duquesne Light was served with Complainant Carrie Wilson’s Formal Complaint (“Complaint”) initiating this matter, which seeks reimbursement “for costs and damages [in the amount of \$1035.51 total] to electronic/electrical equipment in my home due to Duquesne Light’s negligence in either maintaining their infrastructure or in installing their new infrastructure in my immediate area.” (Complaint, ¶ 5.)

2. Complainant does not seek any relief in the Complaint other than monetary damages.

**II. Law and Argument**

3. Pursuant to 52 Pa. Code. § 5.101(a)(1), a party may file preliminary objections on the grounds of “[l]ack of Commission jurisdiction.”

4. Duquesne Light files these Preliminary Objections because the Commission lacks jurisdiction to award Complainant’s requested relief.

5. "The Commission must act within, and cannot exceed, its jurisdiction." *City of Pittsburgh v. Pa. Public Utility Comm'n*, 43 A.2d 348 (Pa. Super. Ct. 1945).

6. The Commission lacks jurisdiction to award damages or to litigate a private action for damages on behalf of a complainant. *Poorbaugh v. Pa. Public Utility Comm'n*, 666 A.2d 744 (Pa. Cmwlth. 1995).

7. Here, Complainant essentially brings a civil action for money damages based on the allegations that Duquesne Light was negligent. Since the Commission lacks the jurisdiction to litigate a private action and the power to award the monetary damages, the Commission is not an appropriate forum for Complainant's allegations.

8. For these reasons, the Complaint should be dismissed in its entirety.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss with prejudice Complainant's Complaint.

TUCKER ARENSBERG, P.C.

  
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Jeremy V. Farrell, Esquire  
Attorney for Duquesne Light Company

