

November 24, 2014

Via Electronic Filing

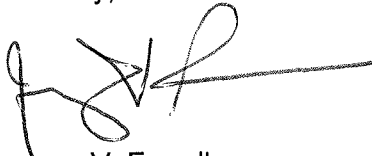
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Pamela McDeavitt v. Duquesne Light Company
Docket No. C-2014-2451556

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to Formal Complaint. 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: Pamela McDeavitt (with enclosure)

LIT:577181-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA MCDEAVITT,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2014-2451556
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTIONS TO FORMAL COMPLAINT

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

I. Factual Background

1. On November 5, 2014, Duquesne Light was served with Complainant Pamela McDeavitt's Formal Complaint ("Complaint") initiating this matter.
2. Complainant contends that a letter she received from Duquesne Light confirming her enrollment with an alternate energy supplier was misleading and caused her to suffer monetary damages. (Complaint, ¶¶ 4-5.)
3. Specifically, Complainant argues that the letter did not inform her that her rate with her new supplier could be subsequently changed by the supplier. (Complaint, ¶ 4.)
4. Complainant requests as relief reimbursement for the amount she believes she would have been charged had she known that she was required to contact her new energy supplier to renew her previous rate. According to Complainant's calculations this amount totals \$221.88.

II. Law and Argument

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

6. Duquesne Light files these Preliminary Objections because the Commission lacks jurisdiction over the Complaint’s requested relief to the extent that it requests monetary damages.

7. “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).

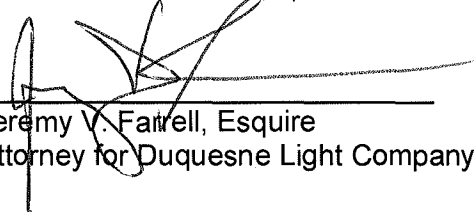
8. The Commission lacks jurisdiction to award damages or to litigate a private action for damages on behalf of a complainant. *Poorbaugh v. Pa. Public Utility Comm’n*, 666 A.2d 744 (Pa. Cmwlth. 1995).

9. Accordingly, the Commission lacks the jurisdiction to award the monetary damages sought in the Complaint.

10. For these reasons, the Complaint should be dismissed to the extent that it seeks money damages beyond the Commission’s jurisdiction.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint with prejudice to the extent that it seeks recovery of monetary damages.

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
Attorney for Duquesne Light Company

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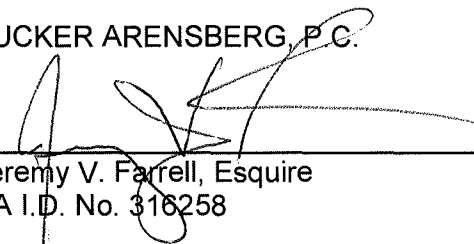
CERTIFICATE OF SERVICE

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):

Pamela McDeavitt
104 Dorf Drive
Pittsburgh, PA 15209

Dated this 24th day of November, 2014

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
PA I.D. No. 316258

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Company