

December 11, 2014

Via Electronic Filing

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

RE: Famille S. Trust v. Duquesne Light Company
Docket No. C-2014-2440650

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Brief In Opposition to Complainant's Motion. 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: Famille S. Trust (with enclosure)
ALJ Katrina L. Dunderdale (with enclosure)

LIT:577600-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FAMILLE S. TRUST,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2014-2440650
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**BRIEF IN OPPOSITION TO COMPLAINANT'S MOTION FOR AN INDEPENDENT
INVESTIGATION**

Duquesne Light Company, by and through undersigned counsel, hereby files its Brief in Opposition to Complainants' Motion Seeking an Independent Investigation of the Property:

1. On November 24, 2014, undersigned counsel received correspondence from Complainant that purports to be a motion requesting an independent investigation of the foreign load and safety concerns Duquesne Light has with respect to Complainant's property located at 510 South Avenue, Pittsburgh, PA 15221 (the "Motion"). (Exhibit A - copy of the "Motion").

2. The Motion consists of an email dated November 24, 2014, and a letter dated November 22, 2014, which contains as exhibits one letter from undersigned counsel requesting that the telephonic hearing proceed as scheduled and another letter from Duquesne Light regarding the discovery of foreign load with respect to the third floor apartment at the 510 South Avenue property.

3. The Motion was not prepared or submitted by an attorney representing Complainant.


4. Complainant is a trust and Complainant's representative was instructed during the hearing on November 14, 2014, that the trust must be represented by an attorney. (Prehearing Order, ¶ 4 attached as Exhibit B; see *also*, 52 Pa. Code. §§ 1.21 and 1.22.)

5. Since the Motion was not filed by an attorney, the Motion is improper and should not be considered.

WHEREFORE, Respondent Duquesne Light Company respectfully requests that Complainant's Motion for an Independent Investigation be denied.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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

1500 One PPG Place
Pittsburgh, PA 15222
(412) 594-3938

Counsel for Respondent, Duquesne Light
Company

Farrell, Jeremy

From: Felly bebe papa [vision2500@yahoo.fr]
Sent: Monday, November 24, 2014 12:15 PM
To: Dunderdale, Katrina
Cc: Farrell, Jeremy
Subject: Re: Famille S. Trust v Duquesne Light Company C-2014-2440650
Attachments: Nov 222014(FSTv.Duquesne Judge letter) 001.jpg; Nov 222014(FSTv.Duquesne Judge letter) Exhibit A page 1 001.jpg; Nov 222014(FSTv.Duquesne Judge letter) Exhibit A page 1 002.jpg; Nov 222014(FSTv.Duquesne Judge letter) Exhibit B 001.jpg; Field Investigation results.pdf

Dear Honorable Administrative Law Judge Katrina L. Dunderdale,

Enclosed copies if letters that Mr. Jeremy V.Farrell sent you on November 18, 2014 (Exhibit A) and the actual reports that the Field investigator reports who was on the field on November 14, 2014 sent to us (Exhibit B) that Mr. Farrell omitted to presented during the hearing. We would like to bring to your attention why we believe their investigation was a fiasco and intended as a cover to supports their prefabricated discoveries and maintain an artistic darkness on their inability and irrelevance t o conduct fain , transparent and useful investigation as required by law. Furthermore, to show how unprofessional and flawed their investigation was the Lead investigation Mr. William Robison did not even bother to sign his report before sending that to us and Mr. Jeremy V. Farrell presented to your court a different story from the same investigation.

We plead your court for an independent investigation in order to avoid abuse that we are being subjected by alleged expert from Duquesne Light and their counsel who create issue out of nothing.

Respectfully;

Famille S. Trust
26, Rue Kingoy
Kinshasa/ RDC
cc: To Mr. Jeremy V. Farrell via e-mail and regular mail.

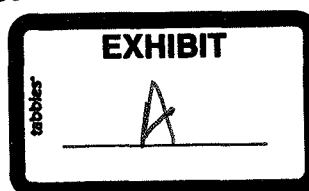
Le Vendredi 21 novembre 2014 10h46, "Dunderdale, Katrina" <kdunderdal@pa.gov> a écrit :

Parties,

Please hold on. I am working on the technological problem from my office and I will e-mail back when it is resolved.

Katrina L. Dunderdale
Administrative Law Judge

From: Felly bebe papa [mailto:vision2500@yahoo.fr]
Sent: Thursday, November 20, 2014 7:53 PM
To: Dunderdale, Katrina
Cc: Farrell Jeremy; Mueller Margaret A.
Subject: Re: Famille S. Trust v Duquesne Light Company C-2014-2440650



Le Jeudi 20 novembre 2014 19h49, Felly bebe papa <vision2500@yahoo.fr> a écrit :

Dear Administrative Judge Law Katrina L. Dunderdale;
See attached update of letters and exhibits we will during the hearing for the case Famille S. Trust v. Duquesne light co Docket # C-2014 2440650.
Respectfully
Famille S. Trust

Le Jeudi 20 novembre 2014 12h06, Felly bebe papa <vision2500@yahoo.fr> a écrit :

OK. we are ready for the testimony we will bring in our own witnesses and can no longer trust Duquesne Light . The photos sent to you by Duquesne only represent the setting of battery banks and curiously show only the back of the enclosure of the battery storage system which carry DC current and was installed according the manufacture instruction. The picture did not show you the installation of the system from Solar panel and power inverter that convert DC to AC as well as and the actual used of the electricity shown to them when they were there. Even if you look back to your computer system connected to other devices such as printer scanner etc.. you will see similar wire crowd. So this is not even an issue. The fact is that we produce solar energy and we have prove that to them. There is no denial of the facts and they cannot alter the fact and the truth.

Furthermore, the issue in question, is their fictive foreign wiring that they claimed exist in the property and that they were unable to find. Now they try to cling on other issues such as irregular and unsafe wiring which is the competence of building inspector with wires that are not even connected to their system. So we can go ahead with the pre hearing tomorrow November 21, 2014 at 10:00 am without delay. and will bring in witnesses and those who actually live with the system.

Respectfully,

Famille S. Trust and
Simananga Lusala

26, Rue Kingoy Q.3
N'djili Kinshasa
RDC

Sent Via e-mail only to Farrell Jeremy and Mueller Margaret A.

Le Jeudi 20 novembre 2014 11h12, Felly bebe papa <vision2500@yahoo.fr> a écrit :

OK. we are ready for the testimony we will bring in our own witnesses and can no longer trust Duquesne Light . The photos sent to you by Duquesne only represent the setting of battery banks and curiously show only the back of the enclosure of the battery storage system which carry DC

current and was installed according the manufacture instruction. The picture did not show you the installation of the system from Solar panel and power inverter that convert DC to AC as well as and the actual used of the electricity shown to them when they were there. Even if you look back to your computer system connected to other devices such as printer scanner etc.. you will see similar wire crowd. So this is not even an issue. The fact is that we produce solar energy and we have prove that to them. There is no denial of the facts and they cannot alter the fact and the truth.

Furthermore, the issue in question, is their fictive foreign wiring that they claimed exist in the property and that they were unable to find. Now they try to cling on other issues such as irregular and unsafe wiring which is the competence of building inspector with wires that are not even connected to their system. So we can go ahead with the pre hearing tomorrow November 21, 2014 at 10:00 am without delay. and will bring in witnesses and those who actually live with the system.

Respectfully,

Famille S. Trust and
Simananga Lusala

26, Rue Kingoy Q.3
N'djili Kinshasa
RDC

Le Mercredi 19 novembre 2014 8h25, "Dunderdale, Katrina" <kdunderdal@pa.gov> a écrit :

Parties,

I am in receipt of a letter from the Simananga Family Trust dated November 16, 2014 and a follow-up letter from Duquesne Light Company dated November 18, 2014.

I do not have a Certificate of Satisfaction (showing the parties have reached an agreement to settle the dispute) and I do not have a withdrawal of the complaint from the Simananga Family Trust. I also do not have a request to continue the hearing to a later date in order to give the parties time in which to discuss a complete resolution. Without either of these documents I cannot cancel the hearing set for Friday, November 21, 2014 at 10:00 a.m.

Therefore, I expect to discuss this proceeding with the parties on Friday.

Katrina L. Dunderdale
Administrative Law Judge

Via e-mail and Regular mail

November 22, 2014

Administrative Law Judge Katrina L. Dunderdale
Pennsylvania Public Utility Commission
Piatt Place, Suite 220, 301 Fifth Ave
Pittsburgh, PA 15222

RE: Famille S. Trust v. Duquesne Light Company; Docket # C-2014-2440650

Subject: Motion and Update information to show case why we believed that the Investigation by Duquesne Light at 510 South Ave, PA 15221 on November 14, 2014 as well as their conclusions were Fiasco, unprofessional and intended as a window dressing to alter facts.


Honorable Administrative Law Judge Katrina L. Dunderdale,

Enclosed are the letters Mr. Jeremy V. Farrell sent you on November 18, 2014 (Exhibit A) and the actual report that the alleged expert and lead investigator from Duquesne Light Company wrote on the issue (Exhibit B) that we received after the hearing and that Mr. Farrell intentionally failed to present to your consideration.

Although we disagree with both letters, we find that curious:

- 1) The lead expert Investigator Mr. William Robison (EXHIBIT B) who was on the field stated in his report that the light in the Hall lights were connected to the 3rd Floor Meter. Which is neither true nor supported by any evidence he actually saw on the field.
- 2) In the other hand, we have Mr. Jeremy V. Farrell who has never been on the field reporting about a foreign load between the 1st and 2nd Floor (Exhibit A, 2nd paragraph). Which in our knowledge is non-existent and failed to relay to this court and to us the report from the lead field investigator, which said a different story from the same event.
- 3) Mr. Farrell omitted and concealed the report from Duquesne light Field investigator and presented fictive claims to this court to defraud and deprive us of our right to obtain justice while also depriving this court with piece of information he knew about and certainly recognized would have render his claims without merit. This is unethical and should not be tolerated. People conducting any investigation should be held to high standard and should not be allowed to alter, add or conceal facts obtained during an investigation. The Duquesne Light and their counsel failed this test and therefore; are unreliable to producing useful reports. This is an abuse of authority and breach of public trust on the very organization the legislators put faith on to conduct such investigations.
- 4) Given their incoherence even in falsity, we believe that Duquesne Light Company was and will be unable to conduct a fair, transparent and useful investigation because they are Judge and party in this case and have already proven to be incoherent, inefficient and irrelevant. Their investigation on November 14, 2014 on the property was possibly intended as a window dressing to support their prefabricated, false and incoherent reports. Therefore, We pleaded your court for an independent and transparent investigation.

Respectfully;


Famille S. Trust

26, Rue Kingoy Q.3

N'djili/ Kinshasa, RDC

cc: Jeremy V. Farrell (via e-mail and Regular mail)

November 18, 2014

Via Fax and Regular Mail

Administrative Law Judge Katrina L. Dunderdale
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222

**RE: Famille S. Trust et al., v. Duquesne Light Company,
Docket No. C-2014-2440650**

Dear Judge Dunderdale:

Duquesne Light is in receipt of Complainant's correspondence dated November 16, 2014, indicating that their Formal Complaint has been satisfied. While Duquesne Light agrees that the Parties have resolved Complainant's concerns regarding the charges on the Property's house meter, there remains another issue that is in need of the Commission's attention. As such, Duquesne Light respectfully requests that the telephonic hearing proceed as scheduled on November 21, 2014, at 10:00 a.m.

?
No proof of
these claims
exist

As stated in Duquesne Light's New Matter, our investigation revealed that there was foreign load present on the first and second floor of Complainant's property. Pursuant to 66 Pa. C.S. § 1529.1, Duquesne Light transferred the service on the Property's first and second floor to Complainant (the property owner) following the discovery of the foreign load. As of November 17, 2014, the accounts have the following balances: (1) Floor 1 = \$2,327.13; and (2) Floor 2 = \$2,826.31. As stated in its New Matter, Duquesne Light believes Complainant is responsible for the unpaid balance on those accounts. Complainants, on the other hand, claim that they have completed their own investigation and dispute the presence of foreign wiring.

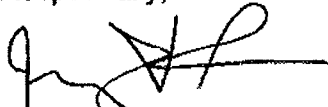
Duquesne Light and Complainants have been in discussions to resolve this dispute. Duquesne Light's representatives visited the Property on November 14, 2014, in the hopes of resolving this issue before the upcoming hearing, but, unfortunately, were not able to complete their investigation.

As such, the content of Complainant's November 16, 2014 correspondence notwithstanding, Duquesne Light and Complainant do still disagree about the existence of foreign wiring and Complainant's responsibility for the outstanding account balances. Accordingly, Duquesne Light respectfully requests that the telephonic hearing proceed as scheduled for the limited purpose of discussing the foreign load issue.

[EXHIBIT A] page 1

Thank you for your consideration of this matter. Please do not hesitate to contact me with any questions.

Respectfully,



Jeremy V. Farrell

JVF/sls

c: Famille S. Trust (via email and regular mail)
Lusala Simanga (via email and regular mail)

LIT:577214-1 014657-158498

[EXHIBIT A] page 2



Duquesne Light

A DQE Company

411 Seventh Avenue
Pittsburgh, PA 15219

November 20, 2014

Famille Simananga Trust
26, Rue Kingoy Q.3
N'djili Kinshasa
Democratic Republic of the Congo

RE: 510 South Avenue, FLR 3, Pittsburgh, PA 15221

Dear Customer:

No actual
proofs for
this claim
existed
or exist.

As a result of our recent investigation performed on Friday, November 14, 2014, it has been determined that the meter for the floor 3 apartment supplies electric service for the common area hall lights.

?

Under state law, the property owner(s) is responsible for the utility service for the areas of the building that are not individually metered. This law is known as Act 54, which states, 'If a residential building contains one or more units not individually metered, the affected public utility shall list the account for the premise in question in the name of the owner, and the owner shall thereafter be responsible for the payment for the utility service rendered thereunto.'

This letter is to notify you that the meter for floor 3 will be placed in your name effective November 14, 2014. This new account will include the balance of \$32.38 from the floor 3 tenant's previous account. Your new account number is 7001847739003. Please know that if the wiring is corrected in the future, you may contact us to remove the account from your name.

Please feel free to contact me if you have any questions. I can be reached at 412-393-2784.

Sincerely,

William Robinson
Field Service Representative

EXHIBIT B



Duquesne Light

A DQE Company

411 Seventh Avenue
Pittsburgh, PA 15219

November 20, 2014

Famille Simananga Trust
26, Rue Kingoy Q.3
N'djili Kinshasa
Democratic Republic of the Congo

RE: 510 South Avenue, FLR 3, Pittsburgh, PA 15221

Dear Customer:

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Please feel free to contact me if you have any questions. I can be reached at 412-393-2784.

Sincerely,

William Robinson
Field Service Representative

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Famille S. Trust

v.

Duquesne Light Company

:
:
:
:
:

C-2014-2440650

PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Friday, November 21, 2014, at 10:00 a.m. To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing, you must provide them with the telephone number and PIN number.

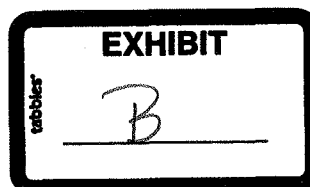
Toll-free Bridge Number: 1-855-750-1027

PIN Number: 050995

You must call into the hearing on the scheduled day and time. If you fail to do so, your case will be dismissed. You will not be called by the Administrative Law Judge.

The parties also are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of hearing dates



must be sent to me and all parties of record. The correct address is:

Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

Changes are granted only in rare situations where good cause exists.

2. If you intend to present any documents or exhibits for my consideration at the hearing, you must send three (3) copies of each document to me, and one (1) copy of each document to every other party in this case. Your documents or exhibits must be received by me and every other party one (1) week before the scheduled hearing. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party. For your convenience, a copy of the Commission's current service list of all parties to this proceeding is enclosed with this Order.

3. **Commission policy promotes settlements. 52 Pa. Code §5.231(a). The utility will contact the customer at least one (1) week before the scheduled hearing to talk about a possible settlement of this case.** Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

4. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

5. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

6. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code §5.331(b) provides, in relevant part, that "[a] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "parties are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§5.371 & 5.372).

7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint. 66 Pa. C.S. §332(a).

8. Pursuant to 52 Pa. Code §§1.21 & 1.22, an individual is not required to have a lawyer present for the Formal complaint process before the Public Utility Commission. You may represent yourself. However, if you are interested in receiving legal representation, you may contact the Widener Harrisburg Civil Law Clinic located at 3605 Vartan Way, Harrisburg, PA 17110, by phone at 717-541-0320 or via email at lawclinichb@mail.widener.edu. For additional information see Widener Harrisburg's Civil Law Clinic's website:

[www.law.widener.edu/Academics/ClinicalProgramsandProfessional
Training/Clinics/HarrisburgCivilLawClinic.aspx](http://www.law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/HarrisburgCivilLawClinic.aspx)

Based on your income, legal representation may be available to you at no cost or a reduced fee.

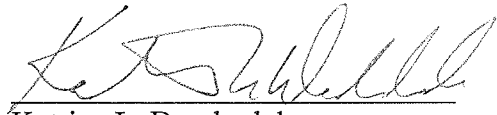
9. **YOU MAY LOSE THIS CASE, IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED. 52 Pa. Code §5.245.**

10. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal legal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure. 52 Pa. Code §§1.1, *et seq.*

11. If you, or anyone you plan to call as a witness on your behalf, have a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you want an interpreter, please contact the Scheduling Office at least ten (10) days before the scheduled Prehearing Conference or Hearing to make your request.

Scheduling Office: (717) 787-1399
AT&T Relay Service number for persons who are deaf or hearing-impaired:
1-800-654-5988.

Date: October 9, 2014



Katrina L. Dunderdale
Administrative Law Judge

C-2014-2440650 - FAMILLE S. TRUST v. DUQUESNE LIGHT COMPANY

FAMILLE S TRUST
510 SOUTH AVE
PITTSBURGH PA 15221

JEREMY V FARRELL ATTORNEY
TUCKER ARENSBERG PC
1500 ONE PPG PLACE
PITTSBURGH PA 15222
412.594.3938
Representing Duquesne Light Company
Accepts E-service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FAMILLE S. TRUST,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2014-2440650
	:	
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):

Famille S. Trust
510 South Avenue
Pittsburgh, PA 15221

Dated this 11th day of December, 2014

TUCKER ARENSBERG, P.C.



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

1500 One PPG Place
Pittsburgh, PA 15222
(412) 594-3938
(412) 594-5619 (fax)
jfarrell@tuckerlaw.com

Counsel for Respondent, Duquesne Light
Company