

February 20, 2015

Via Electronic Filing

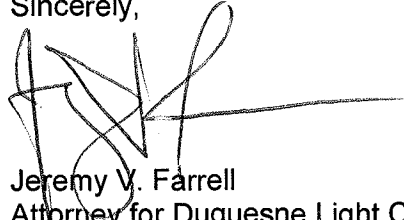
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Sean and Linda Pearson v. Duquesne Light Company
Docket No. C-2015-2465168

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: Sean and Linda Pearson (with enclosure)

LIT:582278-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------|---|--------------------|
| SEAN AND LINDA PEARSON, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| vs. | : | No: C-2015-2465168 |
| | : | |
| DUQUESNE LIGHT COMPANY, | : | |
| | : | |
| Respondent. | : | |

PRELIMINARY OBJECTIONS TO FORMAL COMPLAINT

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its preliminary objections to Sean and Linda Pearson’s Formal Complaint:

I. Factual Background

1. On February 2, 2015, Duquesne Light was served with Complainants Sean and Linda Pearson’s Formal Complaint (“Complaint”) initiating this matter.
2. Complainants contend that Duquesne Light’s truck caused damage to their shed and/or fence when trying to exit the unpaved alleyway behind Complainants’ property after replacing a utility pole. (Complaint, ¶¶ 4-5.)
3. Complainants seek to be reimbursed for the alleged damage to their property in the amount of \$16,555.95, according to the estimate attached to the Complaint. (Complaint, ¶ 5.)

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).

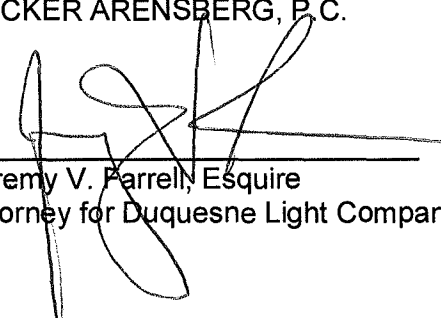
8. The Commission lacks jurisdiction to award damages or to litigate a private action for damages on behalf of a complainant. *Poorbaugh v. Pa. Public Utility Comm'n*, 666 A.2d 744 (Pa. Cmwlth. 1995).

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SEAN AND LINDA PEARSON,

:

Complainant,

:

:

:

vs.

No: C-2015-2465168

:

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DUQUESNE LIGHT COMPANY,

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:

:

Respondent.

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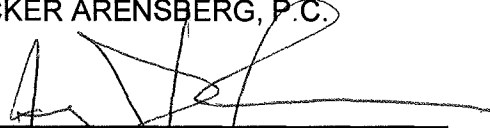
CERTIFICATE OF SERVICE

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):

Sean and Linda Pearson
212 Earlham Street
Pittsburgh, PA 15205

Dated this 20th day of February, 2015

TUCKER ARENSBERG, P.C.



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

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Company