

September 8, 2015

Via Electronic Filing

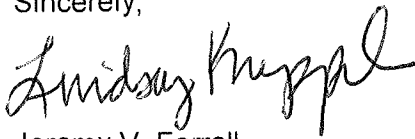
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Robert J. Kramer v. Duquesne Light Company
Docket No. F-2015-2499181

Dear Secretary Chiavetta:

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

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Lindsay N. Kreppel
Attorney for Duquesne Light Company

Enclosure

cc: Robert J. Kramer (with enclosure)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT J. KRAMER,
Complainant,

vs.

DUQUESNE LIGHT COMPANY,
Respondent.

No: F-2015-2499181

MOTION TO STRIKE

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

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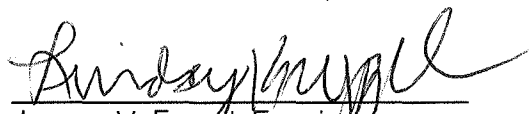
1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent

NOTICE TO PLEAD

TO: COMPLAINANT, ROBERT J. KRAMER

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN MOTION TO STRIKE OF RESPONDENT, DUQUESNE LIGHT COMPANY, WITHIN TWENTY (20) DAYS OF SERVICE HEREOF, OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
Lindsay N. Kreppel, Esquire
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT J. KRAMER,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: F-2015-2499181
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

MOTION TO STRIKE

Pursuant to 52 Pa. Code. § 5.103, Duquesne Light files this Motion to Strike to Robert J. Kramer's Formal Complaint:

1. Duquesne Light files this Motion seeking to strike the allegations in the Complaint that set forth confidential information of Duquesne Light's former customers who are not parties to this dispute.

2. On August 10, 2015, Duquesne Light was served with Complainant Robert J. Kramer's Formal Complaint ("Complaint"), which seeks a partial refund for 14 years worth of his electric bills at 111 Green Forest Drive, Baden, Pennsylvania 15005 (the "Property"). Specifically, Complainant alleges that Duquesne Light billed him at the Residential Heat Rate ("RH Rate") for the past 14 years instead of the Residential Heating Add-On Pump Rate ("RA Rate"), which Complainant contends was improper because the Property uses an add-on heat pump and, therefore, should have been billed at the lower RA rate. (Complaint, ¶ 4.) The Complaint asks Duquesne Light to recalculate Complainant's bills for the past 14 years at the RA Rate and to provide Complainant with a refund. (Complaint, ¶¶ 4, 5.)

3. The Complaint includes allegations containing confidential information about the prior homeowners. (Complaint, ¶ 4.) For example, Complainant includes a list of the Property's past four homeowners, identifying them by name and stating when they purchased the home and what rate they allegedly paid for electric service. (Complaint, ¶ 4.)

4. Duquesne Light files this Motion to Strike because: (1) answering such allegations would require Duquesne Light to violate various provisions of the Pennsylvania Public Utility Code (the "Code"); and (2) the confidential information related to Duquesne Light's former customers is irrelevant to whether Complainant is entitled to the refund requested.

5. To respond to the substance of the allegations in the Complaint relating to the Property's prior homeowners, Duquesne Light would be required to disclose confidential information relating to its former customers (including, for example, their names and the rates they paid and the reasons why they were charged that particular rate), which the Code expressly prohibits.

6. Under the Code, "[a]n [electric generation supplier] may not release private customer information to a third party unless the customer has been notified of the intent and has been given a convenient method of notifying the entity of the customer's desire to restrict the release of the private information." 52 Pa. Code § 54.8(a).

7. The Code further demands that an entity that has obtained a license to provide electricity, like Duquesne Light, "**shall** maintain the confidentiality of a consumer's personal information, including the **name**, **address** and telephone number, **and historic payment information**, and provide the right of access by the consumer to his own load and billing information." 52 Pa. Code § 54.43(d) (emphasis added).

8. Pursuant to those Code provisions, Duquesne Light is obligated to maintain the privacy of the Property's prior homeowners' confidential information, which the Complaint has directly (and improperly) placed at issue.

9. Duquesne Light takes its obligation to maintain the privacy of its customers' confidential information seriously and cannot respond to such allegations because doing so would require Duquesne Light to violate the abovementioned provisions of the Code.

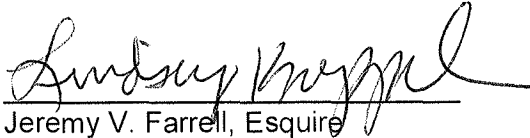
10. Furthermore, information relating to the Property's prior homeowners is irrelevant and unrelated to the issue of whether Complainant is entitled to the refund he seeks.

11. The allegations in the Complaint about the Property's prior homeowners is irrelevant to the relief requested by Complainant as he seeks a refund only for the time in which he personally has been the Property's homeowner. As such, the allegations are irrelevant because they are wholly unrelated to the dispositive issue of whether Complainant is entitled to a refund.

12. Accordingly, the Complaint's allegations relating to confidential information of the Property's prior homeowners should be stricken.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission grant its Motion to Strike and strike the allegations in the Complaint with prejudice to the extent that it sets forth confidential information relating to prior homeowners.

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
Lindsay N. Kreppel, Esquire
Counsel for Duquesne Light Company

