



**Duquesne Light**  
Our Energy... Your Power

Legal Department  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219

Tel 412-393-1546  
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rsestak@duqlight.com

**Regina M. Sestak**  
Assistant General Counsel

ORIGINAL

October 17, 2005

Certificate of Mailing

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

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OCT 17 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: Phyllis E. Gibson v. Duquesne Light Company  
Docket No. C-20055340

Dear Secretary McNulty:

An original and three copies of Duquesne Light Company's Answer and New Matter are enclosed. Copies of these documents have been served upon Complainant in accordance with Commission regulations.

Sincerely,

Regina M. Sestak  
Assistant General Counsel  
Duquesne Light Company

encs

c: Phyllis E. Gibson (w/enclosure)

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ORIGINAL

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHYLLIS E. GIBSON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent. )

Docket No. C-20055340

DOCUMENT  
FOLDER

-----  
ANSWER AND NEW MATTER  
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TO THE HONORABLE COMMISSION:

AND NOW comes the Respondent, Duquesne Light Company, by and through its attorney, Regina M. Sestak, and files the within Answer and New Matter of which the following is a statement:

Answer

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.

**DOCKETED**  
OCT 20 2005

Although Complainant uses the terms "we" and "our" throughout her Complaint, it is not clear whom Complainant intends these terms to include, as she is the sole Complainant. Respondent will therefore respond as if the Complaint were written in the first person singular.

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SECRETARY'S BUREAU

4. A. Complainant's averment that she received a notice that her utility service is being terminated is admitted. By way of further response, in 2005, Respondent issued ten-day termination notices on May 24, and July 6, 2005, and 72-hour termination notices on July 13 and 18, and August 17 and 24, 2005.

Complainant's averment, "I would like a payment agreement," is a request for relief to which no response is required.

B. It is not clear whether Complainant intends the word "your" in her averment "I, mailed a letter to your office and it was not recorded," to refer to the Public Utility Commission (PUC) or to Respondent. If Complainant intends "your" to refer to the PUC, after reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of this averment and it is therefore denied. If she intends "your" to refer to Respondent, this averment is denied. On the contrary, Respondent has no record of having received any type of correspondence from Complainant.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment, "the letter had facts of earnings and other information," and this averment is therefore denied.

Complainant's averment that her service will be shut off on the 30<sup>th</sup> of the month is an apparent reference to the 72-hour termination notice that Respondent issued on August 24, 2005. If so, this averment is admitted to the extent that said termination was planned. However, said service was not terminated because Complainant filed an informal complaint with the PUC

Bureau of Consumer Services (BCS) at Case No. 1970431 on or about August 29, 2005.

5. This paragraph contains a request for relief to which no response is required.

6. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that she has not been granted a "Protection from Abuse" order from the court, and this averment is therefore denied.

7. Admitted.

8. The verification has been signed by Complainant and by "Rev. Earle Ellis." No response is required to the signatures nor the date.

9. As this paragraph is blank, no response is required.

**Attachments:**

Complainant has attached three documents to the Complaint, which will be addressed below:

**Income Verification Form:**

Complainant has attached a document labeled "BCS #1970431," and "Income Verification Form," to her Complaint, which contains both machine printed and hand-written portions.

The authenticity of the machine-printed portion of said document is admitted.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of the handwritten portion of this document, and said handwritten portion is denied.

City of Pittsburgh Document:

Complainant has attached a document that appears to contain employee payroll information from the City of Pittsburgh.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the authenticity of said document, and its authenticity is therefore denied.

Letter:

Complainant has attached a copy of a letter to "Julie," which will be addressed below:

No response is required to the averment, "From Rev. Earle Ellis and Phyllis E. Gibson."

To the extent that Complainant's averment, "Subject: the electric bill with DQ Light Company," identifies the subject matter of said letter, it is admitted.

No response is required to the salutation, "Dear Julie."

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averments that in the past she has submitted documents to verify earnings and the information does not reach "Julie," that in the past she has submitted three of such documents, and that "now I, have to Send you the original," and these averments are therefore denied.

Complainant's averment, "Please send it back," is a request to which no response is required.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment regarding the fact that there was not a problem when Complainant had to submit papers to other agencies in the past, and this averment is therefore denied.

Complainant's averment, "I am not aware of the downfall of the Postal Service," is a statement of opinion to which no response is required.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averments regarding the fact that there is no record of it being returned to the sender and that she has mailed it to the P.O. box and the address, in all honesty, to get a fair rate of payment, and these averments are therefore denied.

It is unclear to whom Complainant is referring in her averment, "all I get is threats of termination," therefore, after reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of this averment and it is therefore denied.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averments regarding her doctor, and these averments are therefore denied.

Complainant's averment, "[w]e can pay in the amount of \$150.00 Dollars with a plan to pay on the arrears, included in the \$150.00/month," is a statement of opinion and/or statement of intention to which no response is required.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averments regarding Social security, the retirement check from the phone company, Complainant's school loan, and the fact that Complainant's mother is in Landmark Assisted Living, and these averments are therefore denied.

Complainant's averment "[w]e are starting to get above the line of poverty, but we have not yet reached this goal," is a statement of opinion to which no response is required.

Complainant's averment that she can pay the \$150.00 every month is a statement of opinion and/or intention to which no response is required.

Complainant's averments, "we can handle no more than that at this time," and "[w]ith the Machines, I, use for breathing it is vital, that this is *handled in fair and honest evaluation,*" are statements of opinion to which no response is required.

No response is required to Complainant's closure, "Thank you and God Bless you,"

No response is required to the name, "Rev. Earle Ellis."

WHEREFORE, Respondent requests that after reasonable investigation and hearing the Complaint be dismissed.

#### New Matter

10. Paragraphs one through nine and the response to Complainant's attachments, above, are hereby incorporated by reference.

11. Complainant has established a pattern of making payment arrangements and filing informal complaints with the BCS in order to avoid termination, but has failed to make payments as agreed or required:

a) Complainant filed BCS Case Number: 1841390 on or about January 27, 2005, which was dismissed on or about May 20, 2005. A copy of the printout evidencing the BCS decision, which was transmitted to Respondent electronically, is attached hereto, incorporated herein, and marked Exhibit 1.

b) On May 24, 2005, Respondent issued a ten-day termination notice stating that service would be terminated on or after June 6, 2005. At that time, no payments whatsoever had been received on Complainant's account since October 27, 2004, and the delinquent balance had grown to \$1,590.59.

c) On May 27, 2005, an individual identifying himself as Complainant's husband "Earle" established a payment agreement with Respondent, agreeing to pay \$636 by June 21, 2005 and then to pay the budget bill plus \$100 beginning with the July bill. Complainant did not comply with this agreement, paying only \$189.00 on June 8, 2005.

d) On July 6, 2005, Respondent issued a ten-day termination notice for service to be terminated on or after July 18, 2005, and provided 72-hour termination notices on July 13 and 18, 2005.

e) On or about July 19, 2005, Complainant filed BCS Case No. 1943958. This complaint was dismissed without a decision, on or about August 16, 2005, with a notation that Complainant had failed to

respond in a timely manner to a letter that was sent by the PUC. A copy of the printout evidencing the BCS decision, which was transmitted to Respondent electronically, is attached hereto, incorporated herein, and marked Exhibit 2.

f) On August 17 and 24, 2005, Respondent provided 72-hour notices for service to be terminated on or after August 29, 2005.

g) Complainant filed the informal complaint discussed in Paragraph 4.B., above, on or about August 29, 2005, which was dismissed on or about September 28, 2005, with the BCS noting that Complainant had broken a payment arrangement that the company established on May 27, 2005 and that, prior to that, Complainant had broken a prior payment arrangement that was established for the customer at BCS Case No. 1731834. A copy of the printout evidencing the BCS decision, which was transmitted to Respondent electronically, is attached hereto, incorporated herein, and marked Exhibit 3.

h) Complainant filed this formal complaint on September 21, 2005.

WHEREFORE, Respondent requests that the Commission:

- a) dismiss this complaint with prejudice; and
- b) direct the Secretary's Bureau and the Bureau of Consumer Services to accept no further formal or informal complaints seeking a payment arrangement from Complainant without a

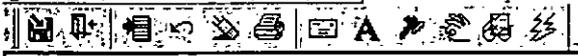
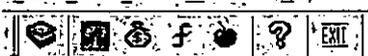
clear provision of evidence at the time of filing that  
Complainant has experienced a change in income within the  
meaning of Section 1405(D) of the Responsible Utility  
Customer Protection Act, 66 Pa. C.S.A. §1405 (D).

Respectfully submitted:

DUQUESNE LIGHT COMPANY  
By Counsel:



Regina M. Sestak  
Pa. I.D. # 23632  
Duquesne Light Company  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219  
Telephone: (412) 393-1546  
FAX (412) 393-1418



Mediation Complaint For: Customer: GIBSON, PHYLLIS - BCS #: 1841390 - ACCT #: 500074242002

General/Open Information	Payment Information	Prior Agreements	Final Report Information
Departments	Employee Contacts	Problems and Complaints	Investigative Contacts
		Closing Information	

Date(s) Sent:

Status:  Date Closed:  Closing Data Received:

Justified:  Internal Justification:  Reason Justified:  Error Code:

Decision:   Written  Oral Decision Balance:  Balance Date:

Lump  
 Requested:  Awarded:  Difference:  Date Awarded:  Service Restored:

Budget Payments  
 Regular:  Arrears Plus:  Special:

Monthly Payments  
 Current:  Final:  End:

Decision Type:

Terms:

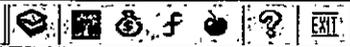
Resolution:



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Complaint Tracker

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Mediation Complaint For: Customer: GIBSON, PHYLLIS - BCS #: 1943958 - ACCT #: 500074242002

General/Open Information	Payment Information	Prior Agreements	Final Report Information
Departments, Employee Contacts, Problems and Complaints.	Investigative Contacts	Closing Information	

Date(s) Sent: 08/01/05

Status: Receipt of PUC Decision Date Closed: 08/16/05 Closing Data Received: 8/16/05 08:50:07

Justified:  Internal Justification: No Reason Justified: None-not justified Error Code: None

Decision:  Written  Oral Decision Balance: \$1,575.79 Balance Date: 08/01/05

Lump		Awarded: \$0.00		Date Awarded: 00/00/00		Service Restored: \$0.00	
Requested:		Difference:					

Budget Payments			Monthly Payments:		
Regular: \$0.00	Arrears Plus: \$0.00	Special: \$0.00	Current: \$0.00	Final: \$0.00	End: \$0.00

Decision Type: VERBAL-DISMISSAL/RECENT CASE/FORMAL COMPLAINT

Terms:

Resolution: THE CUSTOMER HAS FAILED TO RESPOND IN A TIMELY MANNER TO A LETTER THAT WAS SENT TO THEM BY THE PUC THEREFORE THIS CASE IS DISMISSED WITHOUT A DECISION LETTER SENT TO CUST. CLOSING CASE

PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU  
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EXHIBIT  
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Ready

Complaint Tracker

File Edit View Window Help



Mediation Complaint For: Customer: GIBSON, PHYLLIS - BCS #: 1970431 - ACCT #: 5000074242002

General/Open Information | Payment Information | Prior Agreements | Final Report Information  
Departments/Employee Contacts/Problems and Complaints | Investigative Contacts | Closing Information

Date(s) Sent: 09/22/05

Status: Receipt of PUC Decision Date Closed: 09/26/05 Closing Data Received: 9/26/05 09:50:06

Justified:  Internal Justification: No Reason Justified: None-not justified Error Code: None

Decision:  Written  Oral Decision Balance: \$1,596.49 Balance Date: 09/22/05

Lump Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00 Service Restored: \$0.00

Budget Payments Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00 Monthly Payments Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type: CHAPTER 14 EGW ON DISMISS LETTER

Terms:

Resolution: THE CUSTOMER HAS BROKEN A PAYMENT ARRANGEMENT THAT THE COMPANY ESTABLISHED FOR THE CUSTOMER ON 5/27/2005. PRIOR TO THAT THE CUSTOMER HAS BROKEN A PRIOR PAYMENT ARRANGEMENT THAT WAS ESTABLISHED FOR THE CUSTOMER BCS #1731834. THE LAW DOES NOT ALLOW THE PUC TO GIVE ANOTHER PAYMENT ARRANGEMENT TO A CUSTOMER WHO HAS BROKEN A PAYMENT ARRANGEMENT UNLESS THE CUSTOMER HAS NOT HAD A DECREASE IN INCOME (IN COMPARISON TO THE CUSTOMER'S INCOME AT THE TIME OF THE PRIOR PAYMENT ARRANGEMENT) WHICH MEETS THE LAW'S CRITERIA. THE INCOME INFORMATION THAT MR. ELLIS PROVIDED VERBALLY TO THE PUC ON 8/29/2005 SHOWS AN INCREASE NOT A DECREASE SINCE THE TIME OF THE MOST RECENT PAYMENT ARRANGEMENT. MR. ELLIS VERBALLY GAVE PUC INCOME INFORMATION THAT MIRRORS THE INCOME INFORMATION THAT MR. ELLIS GAVE TO THE COMPANY ON 8/26/2005. THE LAW DOES NOT ALLOW THE PUC TO ISSUE NEW PAYMENT ARRANGEMENT TERMS FOR THIS CUSTOMER. THE PUBLIC UTILITY COMMISSION HAS TWICE OFFERED THIS CUSTOMER THE OPPORTUNITY TO PROVIDE PROOF OF HOUSEHOLD INCOME AND TO THIS DATE THE PUC HAS NOT RECEIVED ANY PROOF OF HOUSEHOLD INCOME. REGARDLESS THE LAW DOES NOT ALLOW THE PUC TO ISSUE NEW PAYMENT ARRANGEMENT TERMS FOR THIS CUSTOMER. NO DECISION CASE DISMISSED. THE CUSTOMER HAS DEFAULTED ON A PAYMENT ARRANGEMENT. THE CUSTOMER'S CIRCUMSTANCES DO NOT MEET THE CRITERIA FOR THE CUSTOMER TO QUALIFY FOR NEW PAYMENT ARRANGEMENT TERMS. NO DISMISSAL LETTER SENT TO THE CUSTOMER. CLOSING CASE.

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EXHIBIT  
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BUREAU

AFFIDAVIT

I, Joseph W. Smetanka, being duly sworn according to law depose and say that I am authorized to make this affidavit on behalf of Duquesne Light Company being the holder of the office of Vice President - Customer Services with that corporation, and that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief and Duquesne Light Company expects to be able to prove the same at any hearing hereof.

*Joseph W. Smetanka*

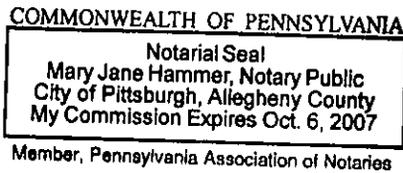
Joseph W. Smetanka

Sworn and subscribed before me this 14th day of October, 2005.

*Mary Jane Hammer*

Notary Public

My Commission Expires Oct. 6, 2007



Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

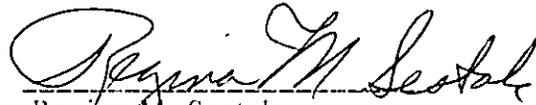
PHYLLIS E. GIBSON, )  
 )  
 Complainant, )  
 )  
 v. ) Docket No. C-20055340  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent. )

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant).

Phyllis E. Gibson  
2022 Osgood Street  
Pittsburgh, PA 15214

Dated this 17th day of October, 2005.



Regina M. Sestak  
Pa. I.D. # 23632  
Duquesne Light Company  
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